

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sasha Linney	Team: Team # 2	CCRB Case #: 200608775	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 06/10/2006 2:30 PM	Location of Incident: § 87(2)(b) between § 87(2)(b) and § 87(2)(b)	Precinct: 79	18 Mo. SOL 12/10/2007	EO SOL 12/10/2007	
Date/Time CV Reported Wed, 07/05/2006 10:28 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Wed, 07/05/2006 10:28 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			
3. CPT Michael Lipetri	00000	906647	NARCBBS
4. POM Joseph Rodriguez	28899	931072	083 PCT
5. POM Willie Lomax	06698	901852	079 PCT
6. DT3 William Bush	01887	905853	084 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Jerome Wardrope	02786	911580	079 PCT
2. POM Daniel Wingate	05589	916925	079 PCT
3. POM Jeffrey Struggs	22330	921796	079 PCT
4. POM Stefan Mercus	21250	939026	083 PCT
5. POM Jerone Boone	27034	938091	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
6. POM Vlad Kogan	05727	938783	079 PCT
7. POM Scott McMaster	15295	893367	083 PCT
8. SGT Ignazio Conca	00906	922140	083 PCT
9. POM Steven Nussenblatt	23343	906949	079 PCT
10. POM Keith Chatterton	07323	925067	079 PCT
11. POM David Proscia	13245	921690	088 PCT
12. POM Przemyslaw Szumilo	27089	933399	083 PCT
13. POF Cathieann Browne	04678	929792	079 PCT
14. SGT George Abruzzo	02378	913830	079 PCT
15. POF Donna Busacco	00985	938135	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Discourtesy: Officers spoke obscenely to § 87(2)(b) and individuals.	
B. Officers	Force: Officers used physical force against individuals.	
C.POM Willie Lomax	Force: Officer Willie Lomax used physical force against individuals.	
D.POM Joseph Rodriguez	Force: Officer Joseph Rodriguez used physical force against individuals.	
E. Officers	Force: Officers used physical force against unknown individuals.	
F.CPT Michael Lipetri	Force: Lieutenant Michael LiPetri used physical force against an unknown individual.	
G. Officers	Force: Officers used physical force against § 87(2)(b) and § 87(2)(b).	
H. An officer	Abuse: An officer damaged § 87(2)(b)'s property.	
I. Officers	Abuse: Officers threatened § 87(2)(b) and § 87(2)(b) with the use of force.	
J.DT3 William Bush	Abuse: Detective William Bush stopped the car in which § 87(2)(b) was an occupant.	
K.DT3 William Bush	Force: Detective William Bush struck § 87(2)(b) with a gun.	
L.DT3 William Bush	Discourtesy: Detective William Bush spoke obscenely to § 87(2)(b).	

## Synopsis

[illegible]

§ 87(2)(b), § 87(2)(b), and § 87(2)(b) alleged that officers used profanity towards members of the crowd, such as “Get the fuck back” (allegation A). Several civilians also alleged that officers pushed members of the crowd back from the scene of the accident (allegation B). Officer Lomax and Officer Rodriguez were identified in a photo array as officers who pushed the crowd back (allegations C and D). § 87(2)(b), § 87(2)(b) and § 87(2)(b) all alleged that officers, including Lieutenant LiPetri, used physical force—kicks and punches—against individuals unknown to this investigation (allegations E and F). § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) alleged that officers used varying levels of physical force against them (allegation G). § 87(2)(b) who attempted to film the event with his cell phone, alleged that an officer deliberately stepped on his cell phone and ground it into the cement (allegation H). § 87(2)(b) and § 87(2)(b) alleged that officers threatened them with the use of force. § 87(2)(b) stated that while officers were using force against him, an officer stated to him, “I will break your fucking arm!” § 87(2)(b) stated that two officers said to him, “Get the fuck out of here! We’ll fuck you up!” (allegation I).

Officers Chatterton and Nussenblatt were removed to § 87(2)(b) with injuries and § 87(2)(b) was removed to § 87(2)(b) with injuries. § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) were arrested. § 87(2)(b) walked to a parking lot across from his home, § 87(2)(b) to follow his son, § 87(2)(b) to the hospital. § 87(2)(b) alleged that as he was pulling out of the parking lot, Detective Bush stopped § 87(2)(b)'s car, approached him, struck him with a gun, and handcuffed him (allegations J and K). § 87(2)(b) further alleged that when he asked Detective Bush why he was being arrested, Detective Bush told him to “shut the fuck up” (allegation L). Those who were arrested were released with summonses.

§ 87(2)(b), § 87(2)(g)

This case was originally assigned to investigation Erin Knight, but it was reassigned to Investigator John deBary on December 7, 2006 upon Investigator Knight's departure from the agency. The case was reassigned to the undersigned investigator on September 13, 2007 upon Investigator deBary's departure

from the agency. This case is 17 months old. § 87(2)(g)

### Summary of Complaint

#### § 87(2)(b) (Complainant/Victim)

§ 87(2)(b) a § 87(2)(b)-old black male, was interviewed on July 5, 2006 as a walk-in complainant (Encl. 19a-e, 21a-c). His civil attorney, § 87(2)(b), accompanied him. § 87(2)(b) stated that on June 10, 2006, at approximately 2:30 PM, he was in the vicinity of § 87(2)(b) and § 87(2)(b) when he heard, but did not see, a car accident at the intersection; he walked toward the intersection to see what happened. § 87(2)(b) observed that a marked RMP had hit a civilian car, and that a male in the backseat of the RMP who was under arrest and the civilians in the other car seemed to be injured. A crowd of approximately 20 civilians gathered. Approximately two additional marked RMPs arrived within minutes. The responding officers aggressively “[got] up in the faces” of the crowd and ordered them to disperse without making physical contact. Due to the officers’ behavior, § 87(2)(b) decided to leave. He had been at the scene for 13-14 minutes. He began walking down § 87(2)(b) toward § 87(2)(b).

Prior to reaching the next cross street at § 87(2)(b) § 87(2)(b) observed, on the other side of § 87(2)(b) a black male in a dark-colored shirt § 87(2)(b) was not close enough to get a better description) laying on the ground in the street next to a parked car. Approximately 4-5 uniformed officers § 87(2)(b) could not describe them in detail and he was later uncooperative with a photo array) were kicking and punching this unknown male in the body. § 87(2)(b) stepped into the street to try to record this with his Sprint camera phone. § 87(2)(b) was able to record a couple of seconds of the male and the officers before an unidentified plainclothes officer (white with “slightly Asian” features, clean cut, wearing light-colored clothing and light blue jeans) shoved him in the left side. § 87(2)(b) did not observe the plainclothes officer approach him, and he was unable to state whether the officer shoved him with one or two hands. The shove caused § 87(2)(b) to stumble a little, but he did not fall. Immediately, the plainclothes officer and a number of other officers § 87(2)(b) was unable to estimate how many) “bum rushed” him, grabbing him at different parts of his body and throwing him to the ground. § 87(2)(b) was unable to state the exact parts of his body that were grabbed. While on the ground, § 87(2)(b) fell onto his side in the fetal position while the officers proceeded to hit and punch him in the back of his head, legs and side. Due to his positioning, § 87(2)(b) was unable to see the officers who hit and punched him. While on the ground, an unknown officer attempted to wrest the cell phone from § 87(2)(b)s hand. Although the officer was not successful, the cell phone did fall out while § 87(2)(b) was on the ground. § 87(2)(b) saw a black boot (but did not see the person) deliberately step on his cell phone and grind it into the cement, causing it to break. The only thing § 87(2)(b) recalled hearing the officers saying was something to the effect of, “What do you think you are doing?” § 87(2)(b) believed that this comment was in regard to his recording the other male’s arrest. § 87(2)(b) was handcuffed and placed into a marked police car. Two white male uniformed officers transported § 87(2)(b) to the 79<sup>th</sup> Precinct stationhouse. § 87(2)(b) did not know these officers’ names nor was he able to provide a better description.

Seven other individuals were taken into custody and transported to the 79<sup>th</sup> Precinct stationhouse. While at the stationhouse, an unknown officer searched § 87(2)(b) and took his wallet, money and shoe laces. The officer went through his wallet to retrieve his identification and found a PBA card. The officer asked him, “You have family on the force and you are acting like that?” § 87(2)(b) did not know this officer’s name or if he was at the scene. Everyone was released with summonses § 87(2)(a) 160.50 including § 87(2)(b). When he exited the precinct, there was a large crowd of family members of the individuals taken into custody, people handing out flyers and an attorney named § 87(2)(b). § 87(2)(b) did not read the flyers, but he spoke briefly to § 87(2)(b) about a lawsuit that § 87(2)(b) was going to file. § 87(2)(b) has not been in contact with § 87(2)(b) since. § 87(2)(b) did not know any of the other individuals taken in and released with summonses.

§ 87(2)(b), § 87(2)(b) went to § 87(2)(b) for bruising that he sustained to his elbows and knees. § 87(2)(b) later, he went to § 87(2)(b) (across from § 87(2)(b)) because he was still experiencing some dizziness, pain in his lower back and tenderness at the back of his head.

During the incident, § 87(2)(b) was wearing white shorts with camouflage on the pockets and a camouflage T-shirt; he had braided hair and a goatee.

#### § 87(2)(b) Officer Photo Viewing

§ 87(2)(b), § 87(2)(g) On August 24, 2006, a 'please call to view photos' letter was sent to him. On August 30, 2006, § 87(2)(b) left a voice message concerning the letter. The investigator called him back twice on August 24, 2006 and on September 7, 2006 but the phone rang with no answering machine. On November 21, 2007, § 87(2)(b) was again called; a woman named § 87(2)(b) answered his phone and stated that he was out-of-state and she did not know when he would be returning or when she would next see him, but that she would give him the message. § 87(2)(b) did not return the call.

### Results of Investigation

§ 87(2)(b)  
§ 87(2)(b), a § 87(2)(b) old black male, was interviewed on August 31, 2006 at his apartment at § 87(2)(b) in Brooklyn (Encl. 25a-w). § 87(2)(b) stated that on June 10, 2006, at approximately 2:30 PM, he was on his way to a store located on § 87(2)(b) between § 87(2)(b) and § 87(2)(b) when he observed a marked RMP speed by him on § 87(2)(b) and then hit a civilian car from behind at the corner of § 87(2)(b) and § 87(2)(b). § 87(2)(b) watched as the officers, who did not appear to be injured, went to the civilian car and yanked open the doors to pull out the two civilians from inside the car in an "aggressive manner." § 87(2)(b) believed that the white officers' aggression toward the black civilians caused a "miniature riot" in the street. § 87(2)(b) continued to walk toward the store. Numerous other officers, in both marked and unmarked vehicles, arrived on the scene within a minute or two. Aside from a couple of plainclothes officers, the majority of the officers were in uniform. When the responding officers arrived, they screamed at people to "Get the fuck back." § 87(2)(b) was unable to attribute the discourtesy to any particular officers.

ESU arrived and § 87(2)(b) observed officers with shot guns. § 87(2)(b) approximated that there were over 100 civilians and 30 officers running around the street. The officers were trying to clear the area because the crowd was becoming "rowdy." Then, "something else happened toward § 87(2)(b)" and § 87(2)(b) observed people running and yelling while looking in that direction. § 87(2)(b) did not know or observe what occurred near § 87(2)(b) but when he got closer, he observed that approximately four to five officers had surrounded an unknown male, who was on the street with his head under a parked caravan, and they were pressing him to the ground. § 87(2)(b) could barely see the unknown male because so many officers were "covering" him, but he could tell that the male had his hair in dreadlocks, was wearing a white T-shirt, and was possibly in his forties. § 87(2)(b) stated that these 4-5 officers (a mix of black, white and Hispanic males) were being "more rough" than they needed to be in order to restrain the unknown male. One of the officers had his knee in the male's back. Numerous civilians were surrounding these officers, yelling and screaming. As this was happening, § 87(2)(b) continued to walk to the store and did not stop to watch what was happening until he arrived at the store.

In front of the store, there was another male being arrested by police officers and § 87(2)(b) stopped to watch. § 87(2)(b) never went out into the street and remained on the sidewalk the entire time. A tall white male (short hair, dressed in plainclothes) started ordering the other officers to clear the scene and started pointing at various people on the street, including § 87(2)(b) for the officers to move. An officer (possibly a Hispanic male, wearing uniform) grabbed § 87(2)(b) by the shoulder and handcuffed him. § 87(2)(b) tried to explain to the officer that he wasn't involved. The male officer left § 87(2)(b) handcuffed against a car and a black male officer came and walked him to a marked RMP. § 87(2)(b) tried to communicate to the black officer that he "knew what was really going on" due to ethnic make up of the community, but the black officer stated, "Yeah, I know. I am sorry that I can't help you."

§ 87(2)(b) did not see the Hispanic male officer again. § 87(2)(b) could not recall descriptions of the officers that transported him to the precinct. § 87(2)(b) could not recall offhand to which precinct he was taken. § 87(2)(b) stated that every cell at the stationhouse was filled with people arrested from the scene. He was later released with a summons. He could not recall exactly what the charges on the summons were as the summons was dismissed at his § 87(2)(b) court date.

During the incident, § 87(2)(b) was wearing a white T-shirt, blue shorts and red, white and blue sneakers plus a gray hat that says "Rocawear."

#### § 87(2)(b) Officer Photo Viewing

On the date of his interview, June 10, 2006, § 87(2)(b) viewed 19 officer photographs. § 87(2)(b) recognized Lieutenant Michael LiPetri only as being on the scene. He also believed that Officer Donna Busacco was possibly the officer who gave him the summons. § 87(2)(b) did not recognize PO Armando Erazo, Sergeant Samuel France, Officer Joseph Rodriguez, Officer Daniel Wingate, Officer Willie Lomax, Officer Jeffrey Struggs, Sergeant Jerome Wardrope, Officer Stefan Mercus, Officer Jerone Boone, Officer Vlad Kogan, Officer Scott McMaster, Sergeant Ignazio Conca, Officer Steven Nussenblatt, Officer Keith Chatterhorn, Officer David Proscia, Officer Przemyslaw Szumilo, and Officer Cathieann Browne.

§ 87(2)(b) a § 87(2)(b)-old black female, was interviewed on September 12, 2006 at the CCRB (Encl. 26a-c). § 87(2)(b) who resides at § 87(2)(b), stated that on June 10, 2006, at approximately 2:30 PM, she was walking down § 87(2)(b) toward § 87(2)(b) with her § 87(2)(b) old daughter, § 87(2)(b) toward their church, located at the intersection of § 87(2)(b) and § 87(2)(b). As she and § 87(2)(b) neared the corner of § 87(2)(b) and § 87(2)(b), § 87(2)(b) observed the aftermath of a car accident between a police car and a civilian car on the southwest corner of the intersection. § 87(2)(b) did not interfere with or concern herself with the accident. There were numerous people outside in the street running around due to the accident and described the scene as a "melee" that consisted of both civilians and approximately 20 to 30 uniformed officers. As § 87(2)(b) and her daughter came to the intersection, a large number of civilians and officers started running north on § 87(2)(b) toward § 87(2)(b). § 87(2)(b) did not know what caused these individuals to run north to § 87(2)(b).

At that point, § 87(2)(b) informed her mother that she was going to make a quick stop at one of the barber shops located on § 87(2)(b) and § 87(2)(b) decided to walk to a mailbox located on § 87(2)(b) to post a letter. § 87(2)(b) turned left onto § 87(2)(b) (walking south) and then right onto § 87(2)(b). She posted her letter and then attempted to return to the corner of § 87(2)(b) and § 87(2)(b) to find her daughter. As she walked back to § 87(2)(b) and § 87(2)(b), § 87(2)(b) called her daughter from her cell phone and instructed her to wait for her on the corner of § 87(2)(b) and § 87(2)(b). However, by the time § 87(2)(b) was making her way back to the spot where she left her daughter, a "full melee" was happening. § 87(2)(b) was walking north on § 87(2)(b) and observed numerous people running around and yelling. A large number of people were running south as she was walking north. § 87(2)(b) who was on the southwest corner of § 87(2)(b) and § 87(2)(b) called § 87(2)(b) § 87(2)(b) from her cell phone as she could not find her. She located her daughter on the north side of § 87(2)(b) and § 87(2)(b) she was yelling, "Mommy, Mommy" into the phone. § 87(2)(b) instructed her daughter to wait where she was and she would come get her. As § 87(2)(b) attempted to get her daughter, an officer (black male, heavyset, possibly bald, uniformed) in front of her was instructing people to stay away from the car accident. § 87(2)(b) tried yelling several times to this officer that she needed to get to her daughter on the north corner. She could not hear if the officer was saying anything because people were screaming and yelling. § 87(2)(b) stated that there were little "instances" happening all around her but she could not describe these instances specifically. She stated that she was too concerned about her daughter to worry about what was happening with other people.

From behind her, § 87(2)(b) heard a male voice state, "Arrest her" more than once. § 87(2)(b) continued to try to tell the heavyset black male officer that she was trying to get her daughter across the street. § 87(2)(b) was then pushed from behind up against a car and her right hand, the one that held her

cell phone, was twisted with such considerable force behind her back that her cell phone (a Virgin Mobile flip phone) broke into two pieces at the hinge. She still had one piece of the phone in her hands and the other piece fell to the ground. She was unable to pick up the piece on the ground since her arms were twisted behind her back. Her left hand was then wrenched behind her back also. When § 87(2)(b) attempted to turn her head to see who did this, the officer just twisted her arms up higher on her back, preventing her from seeing him. § 87(2)(b) knew that the officer was a white male in plainclothes, but she was unable to provide any more specific of a description of him. § 87(2)(b) could see her daughter standing across the street crying. § 87(2)(b) instructed her daughter to stay where she was or she would be locked up also. She was then placed into a marked patrol car with a male named § 87(2)(b) who was already in the car. § 87(2)(b) did not know § 87(2)(b) before this incident; she wrote his name and telephone number on a piece of paper.) § 87(2)(b) went to the hospital, but § 87(2)(b) did not know why or what his injuries were. She could not provide any descriptions of the officers in the RMP. She was taken to the 79<sup>th</sup> Precinct stationhouse and remained there for approximately 1 ½ hours before she was released with a summons for refusal to obey a lawful order. She did not know the name of the officer who wrote her the summons. She did not see the officers involved in the incident at the stationhouse. Her mother and her church pastor visited her while she was at the stationhouse. Also, § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) arrived at the stationhouse in custody. § 87(2)(b) did not see § 87(2)(b) on the scene, but she was later told that when § 87(2)(b) heard what happened to her, he came to find out what happened to her and crossed some crime scene tape.

#### § 87(2)(b) Officer Photo Viewing

§ 87(2)(b) was not cooperative with attempts to schedule her to view officer photographs.

§ 87(2)(b)

§ 87(2)(b) a § 87(2)(b)-old black male, was interviewed at the CCRB on October 27, 2006 (Encl. 23a-e). § 87(2)(b) stated that on June 10, 2006, at approximately 2:30pm, was on his way to a shoe repair store at § 87(2)(b) between § 87(2)(b) and § 87(2)(b) when he witnessed two uniformed male police officers handcuffing a young male at § 87(2)(b) near § 87(2)(b) and placing him into a police vehicle. The father of the young male was attempting to calm the officers down because he said they were “manhandling” his son. The officers proceeded to drive on § 87(2)(b) then turned right onto § 87(2)(b). As the RMP approached § 87(2)(b) and § 87(2)(b) it struck a civilian vehicle with a male driver and a female passenger. The civilians in this vehicle were unable to see the approaching police car due to a bus that entered the cross-section. At a green light, the civilian car accelerated, passed the bus, then collided into the police car; the police car crashed into a deli on the corner and hit the passenger side of the civilian’s car. § 87(2)(b) ran to within approximately 10 feet from the wreckage, intending to assist anyone. He approached the woman and asked her if she was all right, though the woman did not respond. The plainclothes and uniformed police officers who immediately arrived to the scene catered to the officers and neglected the civilians. A crowd gathered in the streets and voiced their concerns about this. The officers responded, “Mind your own business.” The civilians in the vehicle were also visibly agitated. A “lieutenant” (short white male, approximately 5’7”, jeans, sneakers, gray shirt, short blond/brown or gray blond/brown hair, no glasses, no facial hair) told them to calm down. The lieutenant asked § 87(2)(b) to leave the scene; § 87(2)(b) proceeded and resumed his path to the shoe repair store.

As he headed to the store, § 87(2)(b) observed officers “beating up” a young man (light-skinned black male, late 20’s, early 30’s, with medium-cut hair) on the side walk of § 87(2)(b) the officers were arresting the young man, who they found filming the event with his camera phone. This young male has been identified by investigation as § 87(2)(b). § 87(2)(b) who was initially standing, was lifted up; one officer (Hispanic, uniform, 6’2”, clean shaven, and slim) grabbed him by the legs, the other officer (black officer in uniform) grabbed him from the back. § 87(2)(b) screamed as he was being “slammed” to the floor. His chest hit the ground first. The officers yelled at the man, “Shut up!” The officers destroyed the camera phone by knocking it out of § 87(2)(b)’s hand and stomping on it. § 87(2)(b) was approximately 5 or 6 away feet from this. One officer (white, no uniform, 6’2”, slim, black hair, brown or green eyes, gold shield, and a mustache) told § 87(2)(b) “Get the fuck off the street!” § 87(2)(b) attempted to look at this officer’s gold shield in order to read his badge number but it was not on the officer’s shield. Then the officer directed four police officers behind § 87(2)(b) to “lock § 87(2)(b) up.” The four officers aggressively lifted § 87(2)(b) “threw” him to the ground (holding his legs and arms), and

“stomped” on the back of his head. He believed that the four officers were black, though he could only recall the description of one officer: a black male with glasses, approximately 5’5”. He did not recall which officer committed which act. § 87(2)(b) was handcuffed and transported to the 77th or 79th Precinct stationhouse with another woman, only identified as § 87(2)(b). § 87(2)(b) was aware that five arrests were made during the incident; he estimated that 30 police officers were present at the scene.

At the stationhouse, § 87(2)(b) received a summons from a uniformed male officer who was not at the scene. There, § 87(2)(b) requested medical attention (he was recently diagnosed with an irregular heart condition). EMS took his blood pressure which had increased after the incident. He was transported to § 87(2)(b) and remained there until approximately § 87(2)(b). § 87(2)(b) visited his health care provider, who prescribed him Vassic and Fosinopril. § 87(2)(b) deemed that his confrontation with the officers negatively impacted his health.

§ 87(2)(b) stated that his summons was dismissed after a three court appearances § 87(2)(b)

#### § 87(2)(b) Officer Photo Viewing

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) § 87(2)(b) a § 87(2)(b) old Muslim male, was interviewed at the CCRB on November 22, 2006 in the presence of his attorney, § 87(2)(b) (Encl. 30a-w). § 87(2)(b) stated that on June 10, 2006, at approximately 2:30 PM, he was walking on § 87(2)(b) near § 87(2)(b) when he heard a loud car collision. § 87(2)(b) § 87(2)(b) who had earlier been handing out flyers in the area, was about twenty feet away from the car accident. A marked patrol car had run through a red light and collided with a car of civilians that then ran into a grocery store. Approximately twenty officers—some in plainclothes, some in uniform—arrived at the scene within minutes. The police officers were aggressively pushing with their hands and arms at the crowd of approximately 60 people, telling them, “Back the fuck up!” When an ambulance arrived, the officers directed them towards the police car, and not the civilian car. The crowd was upset, but they backed up, giving the officers more than enough room to handle the situation. The officers instructed the crowd to back up three separate times, and the crowd, including § 87(2)(b) complied all three times, moving across § 87(2)(b)

As § 87(2)(b) moved he saw an officer, PO2 (large black male, 6’1” tall), run and tackle § 87(2)(b) § 87(2)(b) (one of his friends who he had been passing out flyers with) near an adult learning center. § 87(2)(b) § 87(2)(b) was not resisting arrest. PO2 tackled § 87(2)(b) high up on his body. Officers were kicking and punching § 87(2)(b) in his legs, shoulders, and head. One of the officers, PO1, was a heavy-set white male; PO3 was a large black male, and PO4 was a slim, white male, with gray hair, clean shaven, 5’9” tall, with sharp features, and wearing a gray sweater. § 87(2)(b) identified PO4 in a photo array as Lieutenant Michael LiPetri. § 87(2)(b) was unable to describe the officers further. § 87(2)(b) § 87(2)(b) witnessed § 87(2)(b) § 87(2)(b) being beat up for about six seconds before they handcuffed him. § 87(2)(b) was not saying anything during this time, nor did he try to interfere. Then, Lieutenant LiPetri instructed the officers to arrest § 87(2)(b) About ten officers § 87(2)(b) was unable to describe them) ran at § 87(2)(b) grabbed him by the arms, and swept his legs out from underneath so that he fell on the ground. § 87(2)(b) landed on his belly. While he was on the ground officers were kicking his head, neck, shoulder, and legs, and PO1 twisted his arm. PO1 was saying, “I will break your fucking arm!” PO1 handcuffed § 87(2)(b) They were kicking him and beating him up, but then stopped after an unidentified officer (PO5) jumped on his back. PO5 weighed about three hundred pounds and stood on § 87(2)(b)s shoulder. PO5 was bouncing on his shoulder for approximately one minute, making it hard for him to breathe; he thought he was “going to die.” PO5 was standing on his shoulder for about a minute after § 87(2)(b) was handcuffed. § 87(2)(b) was taken into a patrol car where there was another civilian (tall light skinned black male, name unknown) in the vehicle, who was arrested at the same time as § 87(2)(b) The officers took them to the 79th Precinct stationhouse. § 87(2)(b) did not know the names of the officers who transported him to the precinct. He was held there for a few hours. § 87(2)(b) sustained injuries to his neck, back, and shoulder. At the precinct he was in pain, but he did not inform the officers of his injuries. § 87(2)(b) received a summons § 87(2)(a) 160.50 and it was given to him by an officer at the desk. There were a few officers at the precinct whom § 87(2)(b) had seen in the street; however he was not sure if they were any of the officers who used physical force against him. Upon



being released § 87(2)(b) went to § 87(2)(b) where doctors took x-rays and said that § 87(2)(b)'s shoulder was bruised, not sprained. His shoulder hurt at the time of his CCRB interview, five months after the incident.

On the day of the incident § 87(2)(b) was wearing a black shirt with red, black and green kufi (a round brimless cap worn by Muslim men).

#### § 87(2)(b) § 87(2)(b) Officer Photo Viewing

§ 87(2)(b) § 87(2)(b) viewed 18 officer photographs on November 22, 2006. § 87(2)(b) recognized Lieutenant Michael LiPetri as the officer in the gray sweater. He recognized Officer Vlad Kogan only as looking familiar. He recognized Sergeant Samuel France and Officer Armando Erazo as possibly being at the incident. § 87(2)(b) did not recognize Officer Joseph Rodriguez, Officer Daniel Wingate, Officer Willie Lomax, Officer Jeffrey Struggs, Sergeant Jerome Wardrope, Officer Stefan Mercus, Officer Jerone Boone, Officer Scott McMaster, Sergeant Ignazio Conca, Officer Steven Nussenblatt, Officer Keith Chatterhorn, Officer David Proscia, Officer Przemyslaw Szumilo, Officer Donna Busacco and Officer Cathieann Browne.

§ 87(2)(b) a § 87(2)(b) old black male, was interviewed at the CCRB on February 13, 2007 (Encl. 32a-z). § 87(2)(b) stated that on June 10, 2006 at approximately 2:30 PM, he was at home at § 87(2)(b) in Brooklyn when he sent his son, § 87(2)(b) to a restaurant called § 87(2)(b) on the corner of § 87(2)(b) and § 87(2)(b). § 87(2)(b)'s friend, § 87(2)(b) (last name unknown) went to § 87(2)(b)'s home and told him that § 87(2)(b) was being arrested. § 87(2)(b) went outside to the store and saw three plainclothes officers (two black males and one white male) grab § 87(2)(b) and push him to the ground. § 87(2)(b) could not provide any more detailed descriptions of the officers. The officers searched § 87(2)(b). One of the officers was named "Bush" who had curly hair and was in a button-down shirt. § 87(2)(b) obtained this name because he was the officer who later arrested him and he heard other officers at the precinct refer to that officer as "Bush." § 87(2)(b) returned to his apartment to put his shoes on and while he was at home, he heard the sound of a car crash.

§ 87(2)(b) exited and saw that the police car carrying § 87(2)(b) had run a red light and collided with a car. That car then collided with another car and the third car went into the window of a store at the corner of § 87(2)(b) and § 87(2)(b). § 87(2)(b) did not actually see this accident happen. As a result, there was a "melee" on § 87(2)(b) between § 87(2)(b) and § 87(2)(b). There were approximately 100 civilians and 100 officers on the street and helicopters in the air. Officers were "beating people up all over the place" and the scene was "total chaos." § 87(2)(b) could not specify exactly what actions were being taken against any particular individual, because the scene was so hectic. § 87(2)(b) did not see any officers strike civilians with nightsticks. Some officers had guns drawn, including four officers with shotguns. He saw one light-skinned black female uniformed officer with a shotgun. § 87(2)(b) stated that he saw "a bunch of people" being handcuffed and he saw a number of people from the scene later at the 81<sup>st</sup> Precinct.

§ 87(2)(b) went to retrieve his car from the parking lot across the street so that he could follow his son. § 87(2)(b)'s family members § 87(2)(b) and § 87(2)(b) were present at the scene. When § 87(2)(b) was pulling out his car (a green Lincoln), he noticed a black sports car behind him with Detective Bush inside. § 87(2)(b) originally didn't recognize him as the same detective who was involved in the arrest of his son. Detective Bush made a waving gesture with his hand and it appeared as though he was reaching down. § 87(2)(b) stopped his car in the parking lot and got out to look around at what was happening. Detective Bush got out of his car and approached § 87(2)(b) and struck him on his face above his right eye with the butt of his gun and then said, "Don't move." § 87(2)(b) sustained a one-inch cut above his right eye but did not seek medical treatment. At the time when Detective Bush struck him, § 87(2)(b) did not recognize Detective Bush as a police officer and Detective Bush did not identify himself as a police officer. § 87(2)(b) did not say anything to Detective Bush before being hit. § 87(2)(b) had not interacted with Detective Bush prior to this moment; § 87(2)(b) had not interacted with Detective Bush while § 87(2)(b) was being arrested. There were two uniformed officers nearby who had drawn their guns in response to § 87(2)(b) being hit. § 87(2)(b) stated that these

officers told him that they thought that § 87(2)(b) was being robbed. These officers quickly walked away after discovering that Detective Bush was in fact a police officer. Detective Bush handcuffed § 87(2)(b) and placed him into his car. When § 87(2)(b) asked Detective Bush why he was being arrested, Detective Bush told him to “shut the fuck up.” § 87(2)(b)'s car was later towed; he was told that his car was involved § 87(2)(b), which § 87(2)(b) denies. § 87(2)(b) received no voucher for his car and still does not know where his car is. § 87(2)(b) was charged with a SAP warrant, but the charges were dismissed at central booking.

#### § 87(2)(b) Officer Photo Viewing

§ 87(2)(b) viewed officer photos on May 10, 2007. § 87(2)(b) recognized Detective William Bush as the officer who hit him with a gun. § 87(2)(b) did not recognize Detective Alton Bush, Officer Cathieann Browne, Officer Steven Nussenblatt, Officer Przemyslaw Szumilo, Officer David Proscia, Officer Donna Busacco, Officer Joseph Rodriguez, Officer Daniel Wingate, Officer Armando Erazo, Officer Willie Lomax, Sergeant Jerome Wardrope, Officer Stefan Mercus, Sergeant Samuel France, Officer Scott McMaster, Officer Vlad Kogan, Officer Jerone Boone, Officer Jeffrey Struggs, Lieutenant Michael LiPetri, and Sergeant Ignazio Conca.

§ 87(2)(b) a § 87(2)(b) old black male, was interviewed at § 87(2)(b) in Brooklyn on June 12, 2007 (Encl. 35a-q). § 87(2)(b) stated that on June 10, 2006, at approximately 2:30PM, he was at home when his cousin § 87(2)(b) was arrested. § 87(2)(b) knew this because he received a call from § 87(2)(b)'s brother, § 87(2)(b). § 87(2)(b) and § 87(2)(b), § 87(2)(b)'s father, went to where § 87(2)(b) had been arrested and saw § 87(2)(b) in handcuffs and being placed into an unmarked car by about three officers. There were also uniformed officers in the area, who were doing their regular jobs patrolling at the street corners. Once § 87(2)(b) was placed in the car, the car drove off.

§ 87(2)(b) and § 87(2)(b) went to the intersection of § 87(2)(b) and § 87(2)(b) and heard a loud booming noise. § 87(2)(b) returned to the place where § 87(2)(b) had been arrested and saw that the police car had collided with a civilian car. When they got to this scene, they saw officers trying to push civilians back from the scene of the accident. § 87(2)(b) tried to push through to get to § 87(2)(b) to see him. The officers were getting very violent and the police presence swelled. There were between 50 and 100 civilians on scene; people were taking pictures with their phones and the violence began when officers started pushing people and trying to take these phones away. § 87(2)(b) saw numerous officers take phones out of people's hands and throw them on the ground or put them in their pockets. People then tried to resist, and officers began hitting people with nightsticks.

§ 87(2)(b) was with his mother, trying to push through the officers to get to § 87(2)(b) and saying, “My cousin! Y’all got my cousin!” There were two white male plainclothes officers § 87(2)(b) could not describe them further) with their shields out who were saying to § 87(2)(b) “Get the fuck out of here! We’ll fuck you up!” while they were pushing § 87(2)(b) back with both hands against his chest. One of the officers pushed § 87(2)(b) against the gate of a school and held him there with one arm. Once the officers noticed § 87(2)(b)'s elderly mother, they stopped holding him and let him go away. § 87(2)(b) walked with his mother to § 87(2)(b) and § 87(2)(b) in an “adrenaline-fueled stupor.” His mother was pulling him towards their house while § 87(2)(b) was trying to go back to § 87(2)(b). There was a group of plainclothes officers on the corner § 87(2)(b) could not describe them) and one of the officers, a black male, grabbed him by the neck and left shoulder and pressed him against a nearby fence for about ten seconds. The officer had his forearm pressed against his upper chest. § 87(2)(b) said that his breathing was not restricted. Then his mom interfered and pulled him away from the scene.

§ 87(2)(b) said that after some time, after more backup arrived, the situation became more under control. He returned to § 87(2)(b) where he observed an officer strike § 87(2)(b) with a gun: § 87(2)(b) stated that there was a detective (stocky black male in plainclothes) parked in the parking lot across from § 87(2)(b) in a car waiting for § 87(2)(b). § 87(2)(b) attempted to drive his car out of the parking lot when the detective pulled up, pointed his gun at § 87(2)(b) and pulled § 87(2)(b) out of his vehicle. The detective struck § 87(2)(b) in the right side of his head with his gun as he was standing in front of the driver's side door. The detective then put § 87(2)(b) on the hood of the car face-

down. Two uniformed officers § 87(2)(b) could not recall any detail other than that the officers were male) nearby ran over to § 87(2)(b) because they thought that the detective was assaulting him and they reached for their guns. § 87(2)(b) was bleeding from his right temple. He was compliant with the detective's instructions and was arrested.

§ 87(2)(b) said that he did not sustain any injury as a result of this incident.

#### § 87(2)(b) Officer Photo Viewing

§ 87(2)(b) viewed officer photos on June 12, 2007. He did not recognize any of them. He viewed photographs of Detective Alton Bush, Detective William Bush, Officer Cathieann Browne, Officer Steven Nussenblatt, Officer Przemyslaw Szumilo, Officer David Proscia, Officer Donna Busacco, Officer Joseph Rodriguez, Officer Daniel Wingate, Officer Armando Erazo, Officer Willie Lomax, Sergeant Jerome Wardrope, Officer Stefan Mercus, Sergeant Samuel France, Officer Scott McMaster, Officer Vlad Kogan, Officer Jerone Boone, Officer Jeffrey Struggs, Lieutenant Michael LiPetri, and Sergeant Ignazio Conca.

§ 87(2)(b), a § 87(2)(b) old black male, was interviewed at § 87(2)(b) in Brooklyn on June 12, 2007 (Encl. 34a-n). § 87(2)(b) stated that on June 10, 2006, at approximately 2:30 PM, he was at § 87(2)(b). His wife's nephew, § 87(2)(b) had gone to the store and was arrested. § 87(2)(b) was outside when he heard the news and ran to § 87(2)(b) he saw § 87(2)(b) in handcuffs being pushed into an unmarked police car on § 87(2)(b) between § 87(2)(b) and § 87(2)(b). § 87(2)(b) saw about seven or eight officers, including some officers in uniform § 87(2)(b) could not say how many officers were in uniform and how many were in plainclothes). After the police car left, the crowd grew in size because the police car crashed into another car. Police dogs, helicopters, and more officers responded to the scene. § 87(2)(b) appeared to be injured: he was lying on his side in the back of the police car. An ambulance was called and the officers from the patrol car were taken away. § 87(2)(b) was later removed by another ambulance.

Then, § 87(2)(b) witnessed "chaos": there were officers chasing people with dogs, officers with helmets and riot gear, officers hitting people with nightsticks, and officers were arresting numerous people and putting them in cars. § 87(2)(b) was unable to specifically describe any of these occurrences. As things cooled down, § 87(2)(b) was standing outside § 87(2)(b) § 87(2)(b), § 87(2)(b)'s father, went into the parking lot across the street to get his car so that he could find out what happened to his son. § 87(2)(b) said that an officer from the 84<sup>th</sup> Precinct, "Detective Bush," was waiting in an unmarked car in the parking lot, alone. § 87(2)(b) said that he learned Detective Bush's name from § 87(2)(b) when he came to see § 87(2)(b) a few days later.) When § 87(2)(b) got into his vehicle, Detective Bush pulled up in front of § 87(2)(b) got out of the car, walked to § 87(2)(b) and placed his handgun to his head and told him to get out. Detective Bush made no announcement that he was a police officer. § 87(2)(b) said, "What'd I do!?" and got out of the car.

There were three or four male uniformed police officers nearby. They pulled their guns and pointed them at Detective Bush because they thought that Detective Bush was trying to carjack § 87(2)(b). Detective Bush displayed his shield to the officers. A tow truck then arrived and took § 87(2)(b)'s car away. § 87(2)(b) asked Detective Bush where § 87(2)(b) was being taken and Detective Bush said the 84<sup>th</sup> Precinct. § 87(2)(b) asked for a voucher and Detective Bush said that they had to come to the precinct to get one. § 87(2)(b) said that following the incident, attendants at the parking lot across from § 87(2)(b) told him that Detective Bush had been waiting there for quite some time before he encountered § 87(2)(b).

#### § 87(2)(b) Officer Photo Viewing

§ 87(2)(b) viewed officer photos on June 12, 2007. He stated that Lieutenant Michael LiPetri was on the scene and appeared to be a commanding officer; he was giving orders to other officers. He stated that Officer Daniel Wingate was at the incident and was "possibly" a commanding officer. Officer Scott McMaster was yelling at people, "Get off the street!" Officer Willie Lomax was aggressively pushing people out of the way and telling the crowd to move about their business. Officer Steven Nussenblatt and Officer Joseph Rodriguez were pushing people in the street and telling them to move on. § 87(2)(b) recognized Officer Keith Chatterton only as being present on the scene. § 87(2)(b) did not recognize

Detective Alton Bush, Detective William Bush, Officer Cathieann Browne, Officer Przemyslaw Szumilo, Officer David Proscia, Officer Donna Busacco, Officer Armando Erazo, Sergeant Jerome Wardrope, Officer Stefan Mercus, Sergeant Samuel France, Officer Vlad Kogan, Officer Jerone Boone, Officer Jeffrey Struggs, and Sergeant Ignazio Conca.

§ 87(2)(b), a § 87(2)(b) old black male, was interviewed at the CCRB on May 2, 2007 (Encl. 33a-w). § 87(2)(b)'s contact information was obtained because he called 911 during the incident. § 87(2)(b) stated that on June 10, 2006, at approximately 2:30PM, he was walking on § 87(2)(b) towards § 87(2)(b) with his son, § 87(2)(b) § 87(2)(b) old at the time) towards the § 87(2)(b) A Train station. They approached the § 87(2)(b) at the corner of § 87(2)(b) and § 87(2)(b) when § 87(2)(b) noticed three white male police officers in plainclothes who had grabbed a young man (black, 18-23 years old) and were "roughing him up" by shoving him by his back as they were questioning him and placing handcuffs on him. § 87(2)(b) could not describe the officers in detail. There was a small crowd around the young man. It seemed that at one point, the young man tried to get away. The officers placed him in an unmarked white sedan and drove away. § 87(2)(b) did not observe any injuries on the young man.

The next thing that § 87(2)(b) heard was a loud commotion at § 87(2)(b) and § 87(2)(b). He turned around and saw that a civilian car had run into a store at the corner. He noticed a car behind that car that had appeared to have hit this civilian car. § 87(2)(b) did not recognize it at the time as the same police car. He saw that the people in the front car appeared injured. § 87(2)(b) called 911. He then noticed that there were police officers on the scene. § 87(2)(b) got closer and noticed that an ambulance had responded. He saw the young man and the officers in the rear car. They got out of the car. Some bystanders started arguing with the police who responded about why the police were being attended to first, when the civilians in the front car were "knocked out cold." There were a few young men who were "extremely vocal" and the scene became "complete chaos." There was a crowd of about 20 people. § 87(2)(b) did not know who was an officer and who was not. § 87(2)(b) crossed the street and saw a man taking pictures with his cell phone. He saw a black male with a beard who was the "most vocal" who was yelling, "This is police brutality!" He was cursing and "carrying on." A white male police officer approached the man who was taking cell phone pictures and asked him what he was taking pictures of. This officer shoved the man from behind with one hand as he asked this question. The male stepped forward a few paces in response to this shove. § 87(2)(b) then decided to take his son and leave the area as quickly as possible.

#### § 87(2)(b) Officer Photo Viewing

On June 12, 2007, § 87(2)(b) viewed 20 officer photographs; he did not recognize any of them. He viewed photographs of Officer Catherine Browne, Officer Steven Nussenblatt, Officer Przemyslaw Szumilo, Officer David Proscia, Officer Donna Busacco, Detective William Bush, Detective Alton Bush, Officer Daniel Wingate, Officer Armando Erazo, Officer Joseph Rodriguez, Officer Scott McMaster, Sergeant Ignazio Conca, Officer Vlad Kogan, Officer Jerone Boone, Officer Jeffrey Struggs, Lieutenant Michael Lipetri, Officer Willie Lomax, Sergeant Jerome Wardrope, Officer Stefan Mercus, and Sergeant Samuel France.

§ 87(2)(b) On November 1, 2006 a field visit was conducted and a male who identified himself only as § 87(2)(b) which is not his real name, was interviewed at § 87(2)(b) and § 87(2)(b) in Brooklyn (Encl. 27a-c). § 87(2)(b) stated that on June 10, 2006 at approximately 2:30PM, he was inside the store where he works at the corner of § 87(2)(b) and § 87(2)(b) when he saw through the door that a police car ran a red light and collided with a civilian car; the civilian car hit a deli. A crowd of 60 to 100 civilians instantly formed. An officer exited the police car but did not help the civilians; he was trying to help his partner. Within ten minutes numerous officers responded, including ESU. An ambulance responded to attend to the officers, but everybody in the crowd began to get "rowdy" and upset and was yelling for them to help the civilians. The officers were instructing everyone to move back in the crowd, and there was one male with dread locks who was telling the officers, "Yo, don't touch me. Go help those people in the car." An officer § 87(2)(b) could not describe him aside from the fact that he was in

uniform) was pushing the male's arms and the male reacted by punching the officer in the arm or the chest. The male ran away from the officer and was jumping from car to car, on top of the cars. The officers stopped him by a barbershop near § 87(2)(b) but § 87(2)(b) could not see that well once they got him. He saw officers fighting with him, but not specifically where they were hitting. Everyone was getting very emotional and angry in the crowd. Everything was happening very quickly. There were many police officers in the area in plain clothes and in uniform.

There was a Muslim male (name unknown) § 87(2)(b) standing on § 87(2)(b) who had been handing out flyers about stopping violence. § 87(2)(b) saw approximately six officers § 87(2)(b) was unable to describe them) run over to the Muslim male and jump on him, but he didn't know why. The officers were kicking the Muslim male and "beating on him." People from the crowd were saying, "That's wrong, you don't do that!" People from the crowd began to push the cops. Then people began fighting all over the street, and it was chaos. § 87(2)(b) couldn't see what had happened with the Muslim male because of the chaos, but he believed that he was placed into a patrol car. Then an officer (white male, bald, husky build, uniformed officer) came in front of the store where § 87(2)(b) works and pulled out a shot gun; the officer cocked the gun and pointed it towards the sky saying, "Alright everyone calm down." Other officers had their guns drawn as well. The officers began grabbing people who were running away from the scene of the incident; they grabbed anyone they could. People began running towards § 87(2)(b) because the officers had taken out their guns. § 87(2)(b) saw an officer (white male in plainclothes) grab a woman who had nothing to do with what was going on, and push her onto a police car. The female asked, "What are you doing to me?" The officers told her that she was being arrested. The woman's daughter came running down the block asking, "What are you doing to my mother?" The police officers told her to shut up and said, "Move back before you got arrested." An officer grabbed the woman by the neck and was being aggressive with her. The officers put her into the car. While this chaos was happening § 87(2)(b) stood inside the door to the store to make sure people weren't trying to get inside.

§ 87(2)(b) stated that he thought the officers were doing their job well because it was chaotic. After a few hours it relaxed and the area was cleared out.

§ 87(2)(b), a § 87(2)(b) old Muslim male, was interviewed at the CCRB on November 22, 2006. § 87(2)(b)'s interview tape was inaudible. He was called on August 1, 2007 for a follow-up statement at which time § 87(2)(b) stated that he didn't have time provide a statement. He was called again on August 10, 2007, at which time he said that he "didn't feel like" providing a statement to the CCRB and that the CCRB should obtain a deposition from his lawyer, § 87(2)(b). § 87(2)(b) did not respond to several contact attempts to obtain the deposition.

#### § 87(2)(b) Officer Photo Viewing

The results of § 87(2)(b)'s photo array on November 22, 2006 were available (Encl. 28a-r). He did not recognize any photograph. He was shown photos of Officer Catherine Browne, Officer Steven Nussenblatt, Officer Przemyslaw Szumilo, Officer David Proscia, Officer Donna Busacco, Officer Daniel Wingate, Officer Armando Erazo, Officer Joseph Rodriguez, Officer Scott McMaster, Sergeant Ignazio Conca, Officer Vlad Kogan, Officer Jerome Boone, Officer Jeffrey Struggs, Lieutenant Michael LiPetri, Officer Willie Lomax, Sergeant Jerome Wardrope, Officer Stefan Mercus, and Sergeant Samuel France.

#### Canvass

On November 1, 2006, a field visit was made to the location. Business establishments in the area were visited, but the only person willing to provide a statement was § 87(2)(b).

#### § 87(2)(b) (Complainant)

§ 87(2)(b) a civil attorney who was originally representing § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) filed a CCRB complaint regarding this incident on August 17, 2006 (Encl. 20a-d). § 87(2)(b) did not witness the incident.

§ 87(2)(b)

§ 87(2)(b) failed to respond to numerous contact attempts to obtain a statement.

§ 87(2)(b) § 87(2)(b)  
§ 87(2)(b) § 87(2)(b)'s name was found on the command log as having been issued a summons during the incident. Letters were sent to his address listed on the command log with no response. Attempts to confirm his address and obtain his telephone number through DMV and Mestrosearch were fruitless.

§ 87(2)(b)  
§ 87(2)(b)'s name was found on the command log as having been issued a summons during the incident. Letters were sent to his address listed on the command log with no response. Attempts to confirm his address and obtain his telephone number through DMV and Mestrosearch were fruitless.

§ 87(2)(b) § 87(2)(b)  
§ 87(2)(b) § 87(2)(b) failed to respond to numerous contact attempts to obtain a statement.

#### **911 Caller – Female Caller – § 87(2)(b)**

On March 26, 2007, a female caller named § 87(2)(b) who called 911 during the incident was contacted at § 87(2)(b) and a voicemail was left. On April 26, 2007, the same number was dialed and a female stated that she had just received the pre-paid phone a few months ago and did not have the phone on June 10, 2006.

#### **911 Caller – Anonymous Female Caller**

On March 26, 2007, a voicemail was left for § 87(2)(b) a woman who had called 911 from her cell phone, § 87(2)(b), during the incident. § 87(2)(b) called back and expressed interest in providing a statement but later did not cooperate.

#### **911 Caller – Anonymous Male Caller**

On March 26, 2007, an anonymous male caller who called 911 during the incident was contacted at § 87(2)(b). A man named § 87(2)(b) answered and said that he had just obtained that telephone number in February of 2007.

### **OFFICER INTERVIEWS**

#### **Detective William Bush, 83<sup>rd</sup> Precinct Detective Squad**

Detective William Bush, a black male, was interviewed at the CCRB on August 15, 2007 (Encl. 52a-d). On June 10, 2006, Detective Bush was working from 8:00 AM to 4:00 PM tour assigned to the Detective Bureau. He was wearing business attire and was working with Detective Morales. He was in an unmarked vehicle. Detective Bush had no relevant memo book entries.

At approximately 2:00 PM, Detective Bush was conducting a canvass of the 79<sup>th</sup> Precinct in connection to a commercial robbery that had occurred earlier in the day in the confines of the 84<sup>th</sup> Precinct. The complainant/victim stated that two black males had robbed his store. Another eyewitness obtained the license plate number of the vehicle that the males used to drive away from the scene of the robbery. The detectives performed computer checks on the plate number and found that it was linked to § 87(2)(b). Detectives Bush and Morales responded to that location with the complainant/victim to canvass for the perpetrators of the robbery and they observed the vehicle in question. The complainant/victim then observed one of the perpetrators on the left side of § 87(2)(b) walking towards § 87(2)(b). Detective Morales and officers from the 79<sup>th</sup> Precinct whom Detective Bush could not name apprehended that male, § 87(2)(b). During this time, Detective Bush entered the unmarked vehicle that was transporting the complainant/victim and drove to the 84<sup>th</sup> Precinct stationhouse. Detective Bush did not witness the apprehension of § 87(2)(b).

Detective Bush had no knowledge of a motor vehicle accident at that location and did not return to that area again that day. Detective Bush stated that he did not arrest § 87(2)(b) at § 87(2)(b). Detective Bush met § 87(2)(b) at the 84<sup>th</sup> Precinct stationhouse later that day because § 87(2)(b) came to the precinct regarding the arrest of his son, § 87(2)(b). § 87(2)(b) was arrested at the 84<sup>th</sup> Precinct stationhouse that

day. They had seized the car that was identified in connection to the robbery and had dusted it for prints. An unknown quantity of marijuana was also found in the vehicle. § 87(2)(b) also had an open warrant. Detective Bush did not know who seized the car as evidence. He did not know how the car got to the precinct: if it was towed or brought to the precinct by § 87(2)(b). At the stationhouse, § 87(2)(b) did not appear injured and did not complain of injury. Detective Bush denied hitting § 87(2)(b) in the head with a gun and denied using profanity towards § 87(2)(b).

#### **Officer Steven Nussenblatt, 79<sup>th</sup> Precinct**

Officer Steven Nussenblatt, a white male, was interviewed at the CCRB on June 22, 2007 (Encl. 45a-e). On June 10, 2006, Officer Nussenblatt worked in uniform from 7:05 AM to 3:40 PM assigned to sector patrol with Officer Keith Chatterton. Officer Nussenblatt read his relevant memo book entries: "1440: 10-53 RMP Accident § 87(2)(b) and § 87(2)(b)."

Officer Nussenblatt stated that at approximately 2:30 PM, he responded to a call from an 84<sup>th</sup> Precinct detective, whose name he did not recall, to transport a black male prisoner in his 40s, from § 87(2)(b) and § 87(2)(b) to the 84<sup>th</sup> Precinct stationhouse. As he was driving to the stationhouse with the prisoner in the rear of the RMP, eastbound on § 87(2)(b), a civilian car came up the curb lane and struck the RMP. The other vehicle spun out onto the sidewalk and hit into a building. Officer Nussenblatt was not able to exit the RMP because the car struck the driver's side. Approximately a half-hour later, ESU responded and opened the car. Officer Nussenblatt was not aware of what was going on outside the RMP before he was removed because he was in pain and was not focusing on the outside of the vehicle. He was removed via ambulance to § 87(2)(b). Officer Nussenblatt sustained a sprained wrist and chest pains due to the incident. Officer Chatterton sustained chest pains, but he could not recall if that was the full extent of his injuries.

Officer Nussenblatt said that at first, the family of the prisoner whom he was transporting was at the scene but then the whole neighborhood came out to the crowd. He knew that the family was there because he heard them complaining nearby. Officer Nussenblatt only recalled that there was general chaos outside but could not recall any specifics of the incident and could not name any specific officers present. He described the chaos as being a large, loud group of people; some had camera-phones out. He did not see any officer take or damage any civilian's camera-phone. He said that he was facing away from the intersection and he was facing a light pole. Officer Nussenblatt could not describe the behavior of the crowd, nor what the officers who responded to the crash were doing.

#### **Officer Keith Chatterton, 79<sup>th</sup> Precinct**

Officer Keith Chatterton, a white male, was interviewed at the CCRB on August 13, 2007 (Encl. 51a-e). On June 10, 2006, Officer Chatterton worked in uniform from 8:00 AM to 4:00 PM assigned to sector patrol with Officer Nussenblatt.

At approximately 2:00 PM, Officer Chatterton and Officer Nussenblatt responded to a 10-85 at § 87(2)(b) and § 87(2)(b). Upon arrival, Officer Chatterton observed that 84<sup>th</sup> Precinct detectives, whom he could not name, had placed an individual under arrest. This individual was placed in the RMP by Officer Chatterton and Officer Nussenblatt and they waited for their patrol supervisor, Sergeant Wardrobe, to respond. Once he responded, they drove away with the arrestee. They circled around the block and were then involved in a motor vehicle accident with a civilian car.

Officer Chatterton exited the vehicle following the accident and stood by the rear passenger door of his RMP. He stood outside his vehicle for about five minutes until he was transported away from the scene, along with Officer Nussenblatt and the arrestee via ambulance. Officer Chatterton sustained bruising to his left ribs as a result of the accident. Officer Nussenblatt could not recall any details about what the situation was like on the street following the accident because he was stunned by the accident and was removed so quickly. He did observe a large crowd that gathered in response to the vehicle accident but he could not say what the crowd was doing. Officer Chatterton did not see any interactions between NYPD and civilians during his five minutes on the scene. He did not witness any arrests. Officer Chatterton was questioned regarding all of the allegations and denied observing and participating in all of them.

**Sergeant Jerome Wardrobe, 79<sup>th</sup> Precinct**

Sergeant Jerome Wardrobe, a black male, was interviewed at the CCRB on July 10, 2007 (Encl. 49a-e). On June 10, 2006, Sergeant Wardrobe worked in uniform from 6:55 AM to 3:57 PM assigned as the patrol supervisor. He was working with Officer Struggs, who was his operator in a marked RMP.

At approximately 2:30PM, Sergeant Wardrobe heard a call from a group of officers from the 84<sup>th</sup> Precinct, whose names Sergeant Wardrobe could not recall, who had apprehended a robbery suspect. The officers had only brought one vehicle into the 79<sup>th</sup> Precinct, so they needed an extra vehicle to transport the defendant to the 84<sup>th</sup> Precinct separately from the complainant/victim. Sergeant Wardrobe allowed the officers to use his car, and instructed officers from a nearby sector patrol, including Officer Nussenblatt, to drive his car to the 84<sup>th</sup> Precinct. Sergeant Wardrobe and Officer Struggs got in Officer Nussenblatt's car. Officer Nussenblatt drove around the block, and got into a collision at the intersection of § 87(2)(b) and § 87(2)(b). Sergeant Wardrobe did not see the accident, but heard it. When he reached the intersection, Sergeant Wardrobe called for backup and ambulances.

Within three minutes, a large crowd of about 30 people developed at the scene and Sergeant Wardrobe called a 10-85. The crowd grew to about 100 as the situation developed. The crowd was cursing at, spitting at, and chanting things at the officers, the exact words Sergeant Wardrobe could not recall. Sergeant Wardrobe was spat on, but that he did not know by whom. He did not file LOD paperwork or obtain an exposure number because of this. The purpose of calling the 10-85 was to have additional officers control the crowd while the victims of the accident were cared for by EMS. At first, just MOS from the 79<sup>th</sup> Precinct responded, then officers from additional precincts responded. While EMS was pulling the arrestee out of the RMP, a male said, "That's my son." Sergeant Wardrobe stated that the parents were not part of the disorderly crowd, but they were concerned for the well being of their son. Officer Struggs was directly involved in removing the occupants of the collided vehicles. Sergeant Wardrobe did not see Officer Struggs have any direct physical contact with any members of the civilian crowd. Sergeant Wardrobe remained in the general vicinity of the accident and did not go beyond that general area.

Other than giving general commands to the crowd to "step back," Sergeant Wardrobe did not have any direct contact with any civilians on the scene. He had no physical contact with any civilians on the scene. There were "scuffles" between officers and civilians throughout the crowd as civilians tried to break through the perimeter made by the officers performing crowd control. The officers involved in these scuffles used their hands palms-out to enforce the perimeter and to get individuals away from the crash site. Sergeant Wardrobe could not name any officers who were involved in these scuffles and stated that he was merely aware of them as part of the overall situation and did not have any specific knowledge of any single scuffle. Sergeant Wardrobe stated that the behavior of the crowd rose to the level of disorderly conduct and that a number of individuals were issued summonses § 87(2)(a) 160.50. Sergeant Wardrobe was not aware of any civilian recording with a cell phone camera. Sergeant Wardrobe stated that Officer Lomax was involved in crowd control but could not provide any further details about Officer Lomax's actions. Other than Officer Lomax, Sergeant Wardrobe could not name any officers involved in forming the perimeter. Sergeant Wardrobe stated that he did not give any directives to any officers there because there was insufficient time to do so since he was focused on getting the people out of the collided vehicles. Lieutenant LiPetri, Sergeant Abruzzo, and Deputy Chief Mohammed were also present, as well as MOS from the patrol borough but he did not know their names. He could not specify which ranking officer was the first to arrive.

After 20 minutes on the scene, Sergeant Wardrobe left with the injured car occupants, including two injured officers, to go to § 87(2)(b). The situation with the crowd had not resolved by the time he left, but things were "evening out" by the time he left. He did not return to the scene. Sergeant Wardrobe was not aware of a male being stopped in his vehicle on § 87(2)(b). Aside from the above-mentioned "scuffles," Sergeant Wardrobe did not observe officers use any type of force against civilians. He denied observing and participating in all of the allegations.

**Officer Jeffrey Struggs, 79<sup>th</sup> Precinct**



Officer Jeffrey Struggs, a black male, was interviewed at the CCRB on June 27, 2007 (Encl. 47a-c). On June 10, 2006 Officer Struggs worked in uniform from 7:05 AM to 3:40 PM assigned as Sergeant Wardrobe's operator in a marked RMP.

At approximately 2:30 PM, Officer Struggs and Sergeant Wardrobe responded to a 10-85 (non emergency), from an 84<sup>th</sup> Precinct detective who needed assistance in transporting a prisoner at § 87(2)(b) and § 87(2)(b). Sergeant Wardrobe responded and ordered a sector car from the 79<sup>th</sup> Precinct to transport the arresting officer and the defendant to the 84<sup>th</sup> Precinct stationhouse. A small crowd of a few people formed because the defendant was upset that he was arrested and had called for people in the neighborhood. The sector car left the intersection and Officer Struggs observed the RMP get into an accident with a civilian vehicle. Immediately, a large crowd of hundreds of people formed on the southeast corner of the intersection. Officer Struggs began trying to control the crowd in the immediate vicinity of the accident. He tried to keep people away from the accident by asking them to stand clear and gesturing by putting his hands up. He said that he was moving around to all corners of the intersection in response to the oncoming crowd, which was approaching from all directions.

Officer Struggs stated that not everybody was compliant and that some people objected to the accident. The defendant in the rear of the RMP called out for his family who was in the crowd, but "not much" happened with the family. An ambulance was called to remove the vehicle occupants. Officer Struggs stated that he did not perform crowd control for very long because he assisted EMS personnel. Officer Struggs attended to the defendant in the rear of the RMP because he was in an awkward position in the back of the vehicle. Officer Struggs got inside the RMP and assisted EMS in removing the defendant. He assisted EMS for about ten or fifteen minutes, and then resumed crowd control as per Sergeant Wardrobe's orders. The perimeter was maintained around the intersection of § 87(2)(b) and § 87(2)(b) at a one-block radius from that intersection. Officer Struggs left after the two vehicles were towed, after some debris had been removed from the street and after things calmed down. Officer Struggs issued a § 87(2) summons to the driver of the civilian vehicle later at § 87(2)(b).

Officer Struggs did not stop anyone and did not see any civilians being stopped by officers other than the two arrests he observed. Officer Struggs had no knowledge of an incident on § 87(2)(b) where a man was stopped in his car in a parking lot. He did observe various officers whom he could not describe or name holding people back from crossing the perimeter. Officer Struggs was questioned regarding all of the other allegations and he denied observing and participating in them.

#### **Lieutenant Michael LiPetri, 79<sup>th</sup> Precinct**

Lieutenant (since promoted to Captain) Michael LiPetri, a white male, was interviewed at the CCRB on July 13, 2007 (Encl. 50a-d). On June 10, 2006, Lieutenant LiPetri was working from 7:00 AM to 3:35 PM assigned as the Special Operations Lieutenant. He was working alone and was in plainclothes. He responded to the incident in a vehicle from the 79<sup>th</sup> Precinct, but he could not recall if it was marked or unmarked.

Lieutenant LiPetri stated that at approximately 2:30PM, he heard a 10-85 on the radio at the corner of § 87(2)(b) and § 87(2)(b). He responded in minutes. Upon arrival, he observed an RMP and a civilian auto up on the sidewalk that appeared to have been involved in a motor vehicle collision. He parked nearby and observed a large disorderly group of approximately 40 to 60 people surrounding the vehicles. Lieutenant LiPetri was not sure how many officers were present at this point. The group was yelling about how they thought that the RMP caused the accident and that the civilians were not receiving proper attention. The crowd was not doing anything physically other than standing around and blocking access to the scene. Lieutenant LiPetri recalled that Officer Steven Nussenblatt was one of the officers from the 79<sup>th</sup> Precinct who was involved in the motor vehicle accident; he could not recall the names of the other officers involved. Lieutenant LiPetri knew that there was a prisoner in the rear of the RMP who was apprehended for a gunpoint robbery, but he was unclear on any further details of that arrest.

Lieutenant LiPetri determined that the injuries to the occupants of the vehicles were potentially serious enough as to not remove them from their vehicles without EMS. Lieutenant LiPetri stated that one

ambulance was present before he responded, but he requested additional EMS when he arrived. The large disorderly group was very close to the vehicles and was blocking traffic, so Lieutenant LiPetri decided that a perimeter needed to be established around the vehicles. He ordered officers to establish a perimeter around the accident site; Lieutenant LiPetri did not recall exactly what he said to those officers. Lieutenant LiPetri stated that the perimeter was established “minutes” after his arrival; he stated that officers maintained the perimeter with their physical presence. Lieutenant LiPetri stated that at first, officers verbally ordered the crowd to stand back, but a few individuals were non-compliant so they had to be moved back. They were moved back by officers who held their hands up, palms-out, guiding the civilians away from the scene. Lieutenant LiPetri stated that officers had to put their hands on certain people in order to effect compliance.

The large disorderly crowd grew larger. In response to this increase in the crowd, Lieutenant LiPetri requested additional police units to respond to the location because he deemed that there was insufficient manpower to handle the situation. A perimeter was created half-a-block down each street away from the accident. Higher-ranking officers responded to the scene, including the day’s duty captain, Captain Brian McGee, who arrived at some point after Lieutenant LiPetri, and ranking officers from other commands such as the 73<sup>rd</sup> Precinct. Lieutenant LiPetri was not sure of any of their names. Approximately 30-40 officers total responded to the incident. Captain McGee did not give any orders to Lieutenant LiPetri.

Once the vehicles and their occupants were removed from the scene, the large disorderly crowd was still present. Lieutenant LiPetri stated that the large disorderly crowd was “extremely upset” and would not obey orders to back up and stand clear of the accident site. The total size of the crowd grew to over 100. At that point, Lieutenant LiPetri’s main focus was to open up the streets so that normal commercial life could resume. After the cars and their occupants had been removed, Lieutenant LiPetri began to venture out beyond the immediate area of the crash site. He observed a large crowd on the each north corner of the intersection between § 87(2)(b) and § 87(2)(b). There was a crowd at § 87(2)(b) and § 87(2)(b). The perimeter was maintained on § 87(2)(b) between § 87(2)(b) and § 87(2)(b). Lieutenant LiPetri stated that after this perimeter was established, the people who he observed being arrested were being arrested within that perimeter. Lieutenant LiPetri stated that there were “pockets of disturbance” that he noticed throughout the incident. He could not say specifically what those pockets were other than that they involved police officers and civilians. Lieutenant LiPetri stated that these individuals were being placed under arrest § 87(2)(a) 160.50. Lieutenant LiPetri did not recall if he gave any orders for any officer to specifically arrest any one person. Lieutenant LiPetri’s attention was brought to these arrests as part of his general awareness of the scene and because he heard some yelling and observed commotion. He could not speak specifically about any of these disturbances. The crowd eventually dispersed approximately 15 to 25 minutes from the time when he arrived and Lieutenant LiPetri returned to the 79<sup>th</sup> Precinct stationhouse.

He observed arrestees at the precinct. No prisoner complained of injury and he did not recall observing any injuries. EMS did respond to the station house; Lieutenant LiPetri stated that he was not sure why EMS was called; he speculated that it might have been called for a spouse of a prisoner.

Lieutenant LiPetri could not independently recall the names of any officers present besides the ones he previously provided in this interview. He was aware that there were officers from other commands there, but he could not say specifically what commands they were. Lieutenant LiPetri did not see any officers with their guns out; he did not recall if he had any weapon drawn at the time. He observed officers with their nightsticks drawn, but he did not recall them doing anything in particular with those nightsticks. He did not know if that was part of the tactical process of creating a perimeter or not. He did not observe any officer strike any civilian on the scene. Lieutenant LiPetri did not hear any officers using profanity or threatening civilians with the use of force. Lieutenant LiPetri observed a number of people recording the incident with cell phone cameras or cameras but he did not see any of those individuals being arrested. He did not recall any civilian complaining of a broken cell phone; he did not see any officer intentionally break a cell phone at the scene. He did not observe any force on the scene that he judged to be excessive. Lieutenant LiPetri observed ESU on the scene. He stated that he did not recall if he called them specifically or if they came in response to the fact that there was an RMP accident. Lieutenant LiPetri stated that he was not aware of a car stop and arrest at § 87(2)(b) in which a man was arrested and his car was towed.

Lieutenant LiPetri did not fill out a UF49 himself; Sergeant Wardrobe, who was present at the scene, filled out the UF49.

**Sergeant George Abruzzo, 79<sup>th</sup> Precinct**

Sergeant George Abruzzo, a white male, was interviewed at the CCRB on August 9, 2007 (53a-d). On June 10, 2006, Sergeant Abruzzo was working from 11:30 AM to 2:27 AM assigned to the Puerto Rican Day Parade detail. He was in plainclothes and assigned to an unmarked vehicle. He read his memo book entries to the record: “1430: 10-13 § 87(2)(b) and § 87(2)(b).”

Sergeant Abruzzo stated that at approximately 2:30 PM, he was preparing paperwork in the 79<sup>th</sup> Precinct stationhouse in preparation for the Puerto Rican Day Parade when he heard a 10-13 at § 87(2)(b) and § 87(2)(b). He and Lieutenant LiPetri responded to the location. Upon arrival, Sergeant Abruzzo observed evidence that there had been an auto accident, because there was a damaged RMP and a damaged civilian vehicle on the sidewalk. EMS had responded and there were “a lot” of officers. There were “a lot” (250-300) of civilians who were “pretty much...just standing around.” Sergeant Abruzzo ensured that the arrestee and the two injured officers in the RMP were given proper medical attention. He did so by making sure that the scene was secure around the accident and the EMS trucks and that EMS had access to the accident.

Sergeant Abruzzo remained on the scene for about 20 minutes after the individuals were removed to ambulances. He spent his time there making sure that the scene was secure. The large crowd was yelling about how the officers had caused the accident. There were numerous officers posted around each corner of the vehicles and Sergeant Abruzzo made sure that no one walked through the perimeter. He supervised the officers who were posted at the corners and made sure that they did not let anyone through. Lieutenant LiPetri was the ranking officer on scene; he was “maintaining the scene.” Sergeant Abruzzo did not interact with any civilians on the scene. Sergeant Abruzzo did not observe any physical contact between officers and civilians who were part of the crowd. Sergeant Abruzzo did not see any civilian break the line and be arrested by any officers in his immediate area. He did not witness any arrests; he did not witness any officer having any specific interactions with any civilians. Sergeant Abruzzo did not give any orders for any officer to arrest anyone. Sergeant Abruzzo could not recall the names of any officers present aside from Officer Cathieann Browne.

Sergeant Abruzzo was not aware of a vehicle stop and arrest made in a parking lot on § 87(2)(b). He did not see any officers stopping people and issuing them summons. Sergeant Abruzzo was questioned regarding all of the allegations and he denied observing and participating in them.

**Sergeant Ignazio Conca, 83<sup>rd</sup> Precinct**

Sergeant Ignazio Conca, a white male, was interviewed at the CCRB on August 2, 2007 (Encl. 36a-b). On June 10, 2006, Sergeant Conca worked in uniform from 6:55 AM to 3:52PM assigned as the patrol supervisor. He was working with Officer McMaster, his operator, in a marked vehicle.

On June 10, 2006, at approximately 2:30PM, Sergeant Conca was at § 87(2)(b) and § 87(2)(b) when he heard a 10-85 via radio at § 87(2)(b) and § 87(2)(b). Upon arrival five minutes later, Sergeant Conca saw a “mass sea of people all over the place” and a uniformed male officer walking a handcuffed male perpetrator to an EMS truck. The crowd was standing in the streets, blocking traffic and yelling towards an RMP that had been involved in an auto accident with a civilian car. Officer McMaster parked their car on § 87(2)(b) opposite the accident. A crowd of about 30 people were approaching the officer and the perpetrator while screaming obscenities. Sergeant Conca ordered police officers around him to form a line along the sidewalk to prevent the crowd from approaching the EMS truck. The crowd responded to this line by staying back. The officers were issuing orders to the crowd to “keep back.” The crowd was mostly compliant – they stayed about three feet from the officers, but a few people stepped forward and were directed to step back by officers putting their hands up, palms out, in a gesture indicating for them to stay back from the line of officers. Sergeant Conca did not see any officer put hands on any civilian. Sergeant Conca did not observe any individuals being stopped/arrested for breaking a police line.

Officer McMaster remained in Sergeant Conca's general vicinity throughout their time there and Sergeant Conca did not see him have any specific contact with any civilians.

Once the perpetrator was placed in the ambulance, the officers continued to attempt to keep order by keeping people on the sidewalks and off the streets. The line was maintained for about five to ten minutes more. Sergeant Conca was on the scene for approximately a half-hour. He left when the scene "calmed down." It was his decision to leave and he instructed all officers from the 83<sup>rd</sup> Precinct who were on the scene to return to the 83<sup>rd</sup> Precinct stationhouse. Sergeant Conca stated that in addition to himself and Officer McMaster, Officer Edward Weinschreider was on the scene. There were ranking officers on the scene but Sergeant Conca could not name them. He did not receive any orders from those officers. He did not issue any orders to any individual police officer to take any specific police action. Sergeant Conca did not see any force on the scene that he considered excessive.

Sergeant Conca did not witness any arrests, but he did see individuals who had been arrested in the rear of a marked car who were later transported to the 79<sup>th</sup> Precinct stationhouse. Sergeant Conca did not see a car stop in a parking lot at § 87(2)(b). Sergeant Conca was questioned regarding all the allegations and he denied observing and participating in all of them.

#### **Officer Jerome Boone, 79<sup>th</sup> Precinct**

Officer Jerome Boone, a black male, was interviewed at the CCRB on June 22, 2007 (Encl. 44a-d). On June 10, 2006, Officer Boone worked in uniform from 12:00 PM to 8:35 PM assigned to Impact foot patrol. He was working alone and was on foot. He read his relevant memo book entries to the record: "1430: 10-84 at § 87(2)(b) and § 87(2)(b); 1445: 10-85 at § 87(2)(b) and § 87(2)(b); 1500:10-85; 1500: 10-84 at § 87(2)(b) and § 87(2)(b). Directing traffic; 1515: Stopped male at the corner of § 87(2)(b) and § 87(2)(b). § 87(2)(b); 1520: Transported defendant to 79 Precinct; 1535: issued summons to defendant; 1540: Defendant released; 1600: 10-84 at 79 Precinct."

Officer Boone stated that at approximately 2:30 PM, he was at a foot post at § 87(2)(b) and § 87(2)(b) with Officer Alexander Mesa, who was working an adjoining foot post, when he heard a collision at the intersection of § 87(2)(b) and § 87(2)(b). He turned and saw that there had been collision between a marked patrol car and a civilian car at the southeast corner of that intersection. He radioed for EMS to respond to the location, but did not call for additional police units. He observed other officers, whom he could not name, tending to the officers and civilians at the crash site. Immediately following the collision, a large crowd formed. The crowd was loudly yelling, but Officer Boone could not recall what they were yelling about. Traffic began to back up, so Officer Boone decided to walk to § 87(2)(b) and § 87(2)(b) to direct traffic. Police tape was put up to block southbound access to § 87(2)(b) south of § 87(2)(b) but he did not put the tape up and did not recall who did. Officer Boone said that he was in the middle of the street, facing north, while two officers were stationed to his left and right. He did not recall who these officers were. Officer Boone did not recall giving orders to the crowd in general.

Officer Boone was directing traffic, only allowing emergency vehicles to pass for about half-an-hour, when a 6'2" bald black male with a slim build began standing close to the tape. Officer Boone told the male, identified by the investigation as § 87(2)(b) who was alone, that he could not pass and § 87(2)(b) asked why. Officer Boone explained that there was an emergency situation. § 87(2)(b) lifted up the tape and passed under it towards the crash site. Officer Boone stopped § 87(2)(b) by grabbing his arm. § 87(2)(b) gave resistance, and Officer Boone decided that § 87(2)(b) would be arrested for failure to obey a lawful order. Two uniformed officers, whom Officer Boone could not name or describe, held § 87(2)(b) in place while Officer Boone put handcuffs on him. Officer Boone did not use any additional force to restrain and arrest § 87(2)(b). Officer Boone brought § 87(2)(b) to an RMP at the intersection and he accompanied the male to the 79<sup>th</sup> Precinct, where he was issued a summons for disobeying a lawful order.

Officer Boone did not observe any other arrests. He did not observe plainclothes officers stopping a male in car at a parking lot at § 87(2)(b). Officer Boone was questioned regarding all the allegations and he denied observing and participating in all of them, except for the above-mentioned force (arm grab).

#### **Officer Donna Busacco, 84<sup>th</sup> Precinct**

Officer Donna Busacco, a white female, was interviewed at the CCRB on August 14, 2007 (Encl. 54a-c). On June 10, 2006, Officer Busacco worked alone and in uniform from 12:00 PM to 8:35 PM assigned to foot post #5, at § 87(2)(b) and § 87(2)(b). She read her relevant memo book entries: "1423: 10-85 § 87(2)(b) and § 87(2)(b) 1435 10-13 § 87(2)(b) and § 87(2)(b); 1503: Transport to 79<sup>th</sup> station house for § 87(2)(a) 160.50; 1519: C Summons § 87(2)(a) 160.50; § 87(2)(b) 1542: C Summons § 87(2)(a) 160.50; § 87(2): 10-6 For EMS for Self. Fill out LoD Report."

At approximately 2:23 PM, Officer Busacco was standing at the corner of § 87(2)(b) and § 87(2)(b) § 87(2)(b), checking on an adjoining post when a 10-85 came over the radio at § 87(2)(b) and § 87(2)(b) § 87(2)(b). She ran on foot to the location; it took her about ten minutes to arrive and while she was running, a 10-13 came over for the same location. Upon arrival, she observed two damaged vehicles, one a police RMP, up on the sidewalk. There was a large crowd of what grew to hundreds of people rushing towards the scene, yelling things like "fuck you!" at the police officers who were present. There were a large number of officers present, from commands other than the 79<sup>th</sup> Precinct. The crowd was loud and disorderly and fights broke out between the civilians. Officers tried to break up those fights and became involved in those fights. Officer Busacco could not speak specifically about any of the fights nor name any officer who tried to intervene. Officer Busacco stated that she was running from group to group, pulling fighting civilians apart and ordering them to disperse.

Officer Busacco eventually issued summonses to two individuals: § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b). Officer Busacco first observed § 87(2)(b) § 87(2)(b) a black female, involved in a fight. Officer Busacco and officers whom she could not name approached § 87(2)(b) § 87(2)(b) and ordered her to disperse. Officer Busacco could not say who § 87(2)(b) § 87(2)(b) was fighting with, initially, before she was approached by officers. § 87(2)(b) § 87(2)(b) began fighting with Officer Busacco and another officer, cursing and refusing to disperse. Officer Busacco did not observe § 87(2)(b) § 87(2)(b) get placed in handcuffs and did not know which officer did this. Officer Busacco was ordered by a commanding officer whose name she could not provide, to get into a vehicle and transport arrestees to the 79<sup>th</sup> Precinct stationhouse. When she approached the vehicle, she observed § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) in the backseat. She did not witness § 87(2)(b) § 87(2)(b)s apprehension. § 87(2)(b) § 87(2)(b) appeared normal and unhurt, but upset. § 87(2)(b) § 87(2)(b) did not appear injured and did not complain of injury. Officer Busacco left the scene at 3:03 PM and brought the two arrestees back to the stationhouse without incident. Officer Busacco sustained a laceration to her arm during the incident but she did not know what caused the injury.

Officer Busacco assumed that there were ranking officers present, but she could not say who those officers were. Officer Busacco did see civilians recording the incident with cell phones, but she did not see any officer take those phones or break them. She did not see any officers punch, kick, or otherwise use physical force against civilians, aside from the force she observed used to break apart individuals who were fighting. She had no knowledge of a vehicle stop at § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b). Officer Busacco was questioned regarding all the other allegations and she denied observing and participating in them.

#### **Officer Cathieann Browne, 79<sup>th</sup> Precinct**

Officer Cathieann Browne, a black female, was interviewed at the CCRB on June 26, 2007 (Encl. 46a-g). On June 10, 2006, Officer Browne worked in uniform from 7:05 AM to 3:35 PM assigned to sector patrol. She was originally working with Officer France (first name unknown) but was assigned to work with Officer Justin Parris at the time of this incident. Officer France was at the stationhouse processing an arrest at the time of incident. They were in a marked vehicle. She had no relevant memo book entries.

At approximately 2:30 PM, Officer Browne received a call for assistance at § 87(2)(b) § 87(2)(b) at § 87(2)(b) § 87(2)(b). Officer Browne could not recall where she was when the call came over, but she was nearby; it took her five or six minutes to get to the location. Upon arrival, Lieutenant LiPetri asked her to stand in front of an RMP and a civilian auto that were involved in an accident. She did so, making sure that everyone was okay until the cars were towed. During that time, a crowd gathered. The crowd was yelling and appeared to be upset about the accident. Officer Browne was not involved in crowd control. There were other officers, whom she could not name, keeping people away from the accident site. There were quite a few officers from multiple commands present. She could not say what Officer Parris did during the

incident. Officer Browne did not have any contact with any civilians on the scene; she “just stood there, that was it.” Officer Browne did not see anyone being arrested and did not see any officers use physical force. She was on the scene for about an hour and was present when the ambulance arrived and took the victims away. She resumed patrol after the cars were removed. Things had “pretty much returned to normal” before she left.

Officer Browne did not recall seeing any officers stopping or arresting people. She had no knowledge of a car stop at § 87(2)(b). Officer Browne was questioned regarding all the allegations and she denied observing and participating in all of them.

#### **Officer Daniel Wingate, 79<sup>th</sup> Precinct**

Officer Daniel Wingate, a black male, was interviewed at the CCRB on July 2, 2007 (Encl. 39a-e). On June 10, 2006 Officer Wingate worked in uniform from 8:00 AM to 4:00 PM assigned to sector patrol with Officer Willie Lomax. He did not have any relevant memo book entries.

At approximately 2:30 PM, a 10-85 came over the radio at § 87(2)(b) and § 87(2)(b). Officer Wingate and Officer Lomax responded to the location and performed crowd control. There were a large number of officers (approximately 60) and civilians (approximately 100) present at the scene because of an accident involving a civilian car and an RMP. Officer Wingate kept people off the street and away from the scene of the accident by asking people to stay off the street and away from the intersection. He was positioned at § 87(2)(b) and § 87(2)(b) facing east, about 30 feet from the accident. There were individuals on the sidewalk who appeared to be upset about the accident and who were cursing and being loud. There were no barriers to keep the crowd away from the scene, however, the civilians were compliant with him.

Officer Wingate was there for about a half-hour. Officer Wingate could not say what Officer Lomax was doing, but he was nearby. Officer Wingate did not see anyone in particular taking pictures with a cell phone. He had no knowledge of a car stop at § 87(2)(b) and § 87(2)(b). He did not see any officers arresting individuals. Officer Wingate was questioned regarding all the allegations and he denied observing and participating in all of them.

#### **Officer Vlad Kogan, 79<sup>th</sup> Precinct**

Officer Vlad Kogan, a white male, was interviewed at the CCRB on July 12, 2007 (Encl. 40a-e). On June 10, 2006, Officer Kogan worked alone and in uniform from 12:00 PM to 8:35 PM assigned to Impact Patrol on foot. He read his relevant memo book entries to the record: “1420: 10-13 Corner of § 87(2)(b) and § 87(2)(b). Police vehicle involved in accident; 1520: Return to station house with Lieutenant LiPetri to issue summonses.”

At approximately 2:20 PM, Officer Kogan received a call that a police car was involved in an accident at the corner of § 87(2)(b) and § 87(2)(b). Upon arrival, Officer Kogan performed crowd control, as instructed by Lieutenant LiPetri, for approximately one hour, positioned at the northeast corner of the intersection, approximately 10 feet from the accident. He stood there instructing people to avoid the block because it was closed off. The crowd of approximately 200 people was trying to pass by to return to their homes. No one was hostile or uncooperative towards him. He did not have any physical contact with any civilians and he did not have any particular interactions with any civilian on scene. He remained generally at that corner for the duration of his time on the scene, until Lieutenant LiPetri took him and Officer Busacco to the stationhouse to issue summonses to individuals who had been arrested at the scene. Officer Kogan did not have any interaction with the people who were issued summonses, either at the station house or on the scene. He was ordered to fill out the summonses and he returned them to the desk. He did not know who apprehended those who were issued summonses.

Officer Kogan had no knowledge of a detective stopping a male in his car and arresting him. Officer Kogan did not stop anyone and did not see any civilians being stopped by officers. Officer Kogan was questioned regarding all the allegations and he denied observing and participating in all of them.

#### **Officer Willie Lomax, 79<sup>th</sup> Precinct**

Officer Willie Lomax, a black male, was interviewed at the CCRB on June 26, 2007 (Encl. 43a-c). On June 10, 2006, Officer Lomax worked from 7:05 AM to 3:40 PM assigned to sector patrol with Officer Daniel Wingate in a marked RMP. He read his memo book entries to the record: "1400: 10-13 § 87(2)(b) and § 87(2)(b) 1540: End of tour."

At approximately 2:00PM, a 10-13 came over the radio at the corner of § 87(2)(b) and § 87(2)(b). It took Officer Lomax and Officer Wingate a couple of minutes to get there. Upon arrival, Officer Lomax observed the vehicle accident. There were approximately 200 angry civilians surrounding the accident, yelling at officers and complaining about how EMS were treating the officers first. The crowd was not physically threatening. There were 30 to 40 officers present, and an additional 20 officers responded after Officer Lomax arrived.

Officer Lomax's and Officer Wingate's objective was to maintain a perimeter around the site so that emergency vehicles could attend to the accident without interference. Officer Lomax was not given orders to form a perimeter; he made this decision on his own. He stood at the corner of § 87(2)(b) and § 87(2)(b) facing north, away from the accident with his arms folded. He did not have any singular interactions with any civilians. Officer Wingate was doing the same thing and he remained in Officer Lomax's eyesight throughout their time there. Officer Wingate did not have any interaction with civilians. Officer Lomax did not witness any arrests or any issuances of any summonses. No civilians broke the perimeter. He said that there were about 20 people standing in front of him at a distance of about three feet, yelling past him at EMS personnel. Officers Lomax and Wingate left once everything returned to normal, about an hour to an hour-and-a-half after their arrival.

Officer Lomax had no knowledge of an incident where a detective stopped a male at a parking lot on § 87(2)(b). Officer Lomax was questioned regarding all of the allegations; he denied observing and participating in all of them.

#### **Officer David Proscia, 88<sup>th</sup> Precinct**

Officer David Proscia, a Hispanic male, was interviewed at the CCRB on July 9, 2007 (Encl. 48a-f). On June 10, 2007, Officer Proscia worked from 7:05 AM to 3:40 PM assigned to sector patrol with Officer Miller. He was in uniform and was driving a marked RMP. He read his relevant memo book entries: "1430: 10-13 § 87(2)(b) @ § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b); 1510-98 79<sup>th</sup> Precinct Arrest Processing; 1600 End of Tour."

At approximately 2:30PM, Officer Proscia responded to a 10-13 in the adjoining precinct, the 79<sup>th</sup> Precinct, at § 87(2)(b) and § 87(2)(b) which was about four blocks away from them at the time. It took them two minutes to respond. Upon arrival, Officer Proscia observed a large and hostile crowd cursing and throwing bottles on the ground. Officer Proscia parked his car at § 87(2)(b) approximately 100 feet from § 87(2)(b) and met a lieutenant whose name he did not know. The lieutenant instructed Officer Proscia and his partner to the corner of § 87(2)(b) and § 87(2)(b) to make way for four ambulances that needed to have access to an accident between marked RMP and a civilian vehicle. Officer Proscia maintained crowd control with hand gestures and verbal commands, ordering civilians to stay on the sidewalk. The crowd was very angry and hostile and was cursing at him. They were yelling about how the officers were only there to care to the police officers. There were 200 or more civilians and 20 or more police officers on the scene.

There was an elderly lady, an estimated 90 years old, who said to his face, "Fuck the police! I don't have to do what you tell me, I'm going to go down the block." He did not see what happened eventually with this woman. Officer Proscia stated that there were various scuffles going on behind him, closer to the site of the accident, where he could see civilians throwing punches at police officers and then running away. Officer Proscia could not provide a detailed description of these scuffles because he had to maintain his attention on the crowd in front of him. Officer Proscia stated that at this point, when he was noting the scuffles, he lost sight of Officer Miller, but quickly regained visual contact when he noticed that Officer Miller was across the street.

There was one individual, § 87(2)(b) a black male with dark complexion to whom Officer Proscia later issued a summons, who initially tried to get by the perimeter and was rebuffed by Officer Proscia's gestures and commands. § 87(2)(b) was saying, "What's going on? I need to get down the block." When Officer Proscia told § 87(2)(b) that he could not pass, § 87(2)(b) started yelling, "Fuck the police! Don't tell us what to do, I live here!" and such things that the general crowd was saying. § 87(2)(b) tried to get past Officer Proscia about three or four times and each time Officer Proscia held him back by hooking him with his right hand. He told § 87(2)(b) to "get back." § 87(2)(b) ran by Officer Proscia once more and Officer Proscia stopped him with his right hand. At this point, Officer Proscia decided to arrest § 87(2)(b) so he attempted to pull § 87(2)(b) hands behind his back; § 87(2)(b) resisted this. While Officer Proscia was struggling to handcuff § 87(2)(b) about four people ran by the perimeter. One officer whom Officer Proscia could not name as well as Officer Miller, pushed § 87(2)(b) and Officer Proscia against an RMP that was being used as a barrier, and then took § 87(2)(b) to the ground. § 87(2)(b) "gave up" once the other officers came to assist Officer Proscia. The three officers fell on top of § 87(2)(b) handcuffed him, and searched him for weapons. No weapons were found. Officers Proscia and § 87(2)(b) walked § 87(2)(b) back to their RMP and transported him to the 79<sup>th</sup> Precinct stationhouse. This was approximately 25 minutes after their initial arrival. Officer Proscia stated that his tour ended while he was at the 79<sup>th</sup> Precinct and he did not return to the location. He issued § 87(2)(b) a summons § 87(2)(b) and released him.

Officer Proscia did not stop anyone other than § 87(2)(b) and did not see any civilians being stopped by officers. He did not seize anyone's cell phone and did see any officer seizing anyone's cell phone. He did not use profanity nor did he hear any officers use profanity. He did not threaten anyone with the use of force nor did he hear any other officers do so. He did not have his gun drawn and did not see officers with their guns drawn. He did not see any officer hit any civilian with his gun. Officer Proscia had no knowledge of an incident at § 87(2)(b) where a male was stopped in his car.

#### **Officer Jason Rodriguez, 83<sup>rd</sup> Precinct**

Officer Jason Rodriguez, a Hispanic male, was interviewed at the CCRB on July 3, 2007 (Encl. 42a-d). On June 10, 2006, Officer Rodriguez was working in uniform from 7:05 AM to 3:40 PM with Officer Przemyslaw Szumilo assigned to sector patrol. Officer Rodriguez read his relevant memo book entries to the record: "1415: 10-13 79 Precinct."

At approximately 2:15 PM, a 10-13 came over the radio and Officer Rodriguez and his partner responded to the location, § 87(2)(b) and § 87(2)(b). They were nearby at the time. Upon arrival, they were instructed by a sergeant from their own precinct (Officer Rodriguez could not recall his name) to resume patrol. Officer Rodriguez observed 80 to 90 police officers present, but could not say what specifically was going on because the street was blocked off and they did not go inside the barriers. They were there for about two minutes. Officer Rodriguez did not see any police action and he denied observing/hearing all of the allegations.

#### **Officer Przemyslaw Szumilo, 83<sup>rd</sup> Precinct**

Officer Przemyslaw Szumilo, a white male, was interviewed at the CCRB on July 7, 2007 (Encl. 41a-d). On June 10, 2006, Officer Szumilo worked in uniform from 7:05 AM to 3:40 PM with Officer Rodriguez assigned to sector patrol. He read his memo book entries to the record: "1415: 10-13 79 Precinct § 87(2)(b) and § 87(2)(b) "

At approximately 2:15 PM, Officer Szumilo and Officer Rodriguez responded to a 10-13 at § 87(2)(b) and § 87(2)(b). It took them approximately ten minutes to respond. They parked a couple of blocks away from § 87(2)(b) and § 87(2)(b) because civilian traffic prevented them from driving any closer. They walked a hundred yards towards their sergeant, whose name Officer Szumilo did not recall, to roughly three blocks away from § 87(2)(b) and § 87(2)(b) their sergeant then instructed them to return to patrol. While they were there, Officer Szumilo saw "a lot of cops...and people getting arrested." He did not know the details of what was going on at the scene. He saw two people being arrested on the street near to where they were speaking with their sergeant. He could not recall the specific location. He could not provide a description of the officers who were arresting the two individuals. The first arrest he observed was a uniformed officer arresting a black male who was standing on his own two feet. Officer



Szumilo did not see what preceded the arrest. The male was not resisting. The second arrest occurred thirty seconds following the first and involved one black male and one officer. Officer Szumilo what preceded that arrest either. The civilian was not resisting. After observing this, and speaking to his sergeant, Officer Szumilo and Officer Rodriguez resumed patrol. Officer Szumilo denied observing/hearing all of the allegations.

#### **Officer Scott McMaster, 83<sup>rd</sup> Precinct**

Officer Scott McMaster, a white male, was interviewed at the CCRB on July 11, 2007 (Encl. 37a-d). Officer McMaster confirmed that he responded to the incident at § 87(2)(b) and § 87(2)(b) but stated that he could not recall anything about what was happening at the scene, what actions he took, or what he saw other officers do at the scene. He had no relevant memo book entries. He was working as Sergeant Conca's operator in vehicle # § 87(2)(b).

#### **Officer Stefan Mercus, 83<sup>rd</sup> Precinct**

Officer Stefan Mercus, a white male, was interviewed at the CCRB on July 6, 2007 (Encl. 38a-e). On June 10, 2006, Officer Mercus worked from 4:00 PM to 12:00 AM assigned to sector patrol with Officer Erazo. He did not respond to a 10-13 in the 79<sup>th</sup> Precinct that day because his tour had not begun by the time of incident.

#### **Note regarding officers not interviewed**

§ 87(2)(g)  
§ 87(2)(g)

#### **Medical Records – § 87(2)(b) (Encl. 57a-y)**

§ 87(2)(b)'s medical records from § 87(2)(b) indicate that he went to the hospital on § 87(2)(b) and complained of being "thrown down" by the NYPD in a fight. There was no evidence of head trauma. There was tenderness and soreness to the left side of § 87(2)(b)'s neck, and abrasions on the upper right back, top of the right hand, left knee, and right elbow. § 87(2)(b) also reported a history of asthma. He was prescribed Toradol (an anti-inflammatory pain medication).

§ 87(2)(b)'s medical records from § 87(2)(b) indicate that he went to the hospital on § 87(2)(b) and complained of sharp chest pain and lower back pain as a result of being beaten by the police. An x-ray of his lower back showed no abnormality. Minor abrasions to his arms and legs were observed. He was prescribed Motrin for the pain.

#### **Medical Records – § 87(2)(b) (Encl. 56a-l)**

§ 87(2)(b)'s medical records from § 87(2)(b) indicate that he went to the hospital on § 87(2)(b) and complained of pain in his left shoulder stemming from an "altercation" with the NYPD. § 87(2)(b) stated that he was pushed to the ground and hit on his back. An x-ray of his left shoulder showed no evidence of fracture or dislocation. He was prescribed Ibuprofen for the pain.

#### **Medical Records – § 87(2)(b) § 87(2)(b) (Encl. 55)**

On § 87(2)(b), § 87(2)(b) responded to a subpoena requesting § 87(2)(b)'s medical records in a letter stating that they have no patient on file matching § 87(2)(b)'s information.

#### **Communications Records (Encl. 65a-i)**

Sprint# § 87(2)(b) indicates that at § 87(2)(b) a female caller named § 87(2)(b) reported an accident at the corner of § 87(2)(b) and § 87(2)(b). At § 87(2)(b) EMS was called. At § 87(2)(b) persons were transported to a hospital.

Sprint #§ 87(2)(b) indicates that at 2:21 PM two ambulances and ESU were called for an RMP accident at the location. At 2:22 PM, a female caller reported an RMP accident with a civilian male and female injured; it was unknown if the officers were injured. At 2:24 PM, numerous units were requested to the location. At 2:25 PM, it was confirmed that officers were injured at the location; two more ambulances were requested. At 2:27 PM, the 79<sup>th</sup> Precinct special operations lieutenant requested three ambulances to the location and reported that there was a large crowd. At 2:28 PM, a male caller named § 87(2)(b) requested another

ambulance. At 2:28 PM, an unknown unit requested additional units for disorderly crowd control. At 2:28 PM the 81<sup>st</sup> Precinct patrol sergeant requested that units “slow down” and cancelled ESU. At 2:29 PM, an anonymous male caller reported a big accident at the location. At 2:30 PM the special operations lieutenant stated that all officers were accounted for and there were two MOS with neck/back injuries. At 2:38 PM an anonymous female caller stated that people were fighting with police officers and that more police were needed. The female caller also reported that firearms were possibly involved. At 2:39 PM EMS was requested to respond to the 79<sup>th</sup> Precinct stationhouse for an injured perpetrator. At 2:43 PM, DARP was called to tow the vehicles. At § 87(2)(b), the injured MOS were on their way to § 87(2)(b). At 2:52 PM, the special operations lieutenant called a mobilization for crowd control.

The following units responded from the 79<sup>th</sup> Precinct: the patrol supervisor, an unknown footpost, sectors G, M and A, and the special operations lieutenant. The patrol supervisor and a burglary car responded from the 77<sup>th</sup> Precinct. The following units responded from the 81<sup>st</sup> Precinct: sectors F, A and I and the patrol supervisor. Sector I and RMP 2309 responded from the 83<sup>rd</sup> Precinct. Sector A responded from the 88<sup>th</sup> Precinct. Several ESU units responded as well as a patrol supervisor from a Highway unit.

#### **UF49 (Encl. 58a-b)**

The UF49, written by Sergeant Wardrope, stated that on June 10, 2006 at approximately 2:21 PM, a level one mobilization was called in the confines of the 79<sup>th</sup> Precinct after a large disorderly crowd gathered at the scene of an arrest situation and an RMP accident. Officers Chatterton and Nussenblatt had responded to a non-emergency 10-85 from Detective Evel Morales (84<sup>th</sup> Precinct RAM) to transport § 87(2)(b) a perpetrator wanted § 87(2)(b) in the 84<sup>th</sup> Precinct. A large crowd gathered when § 87(2)(b)'s arrest was effected; the crowd interfered with the arrest process, creating a “volatile situation.” Sergeant Wardrope immediately responded and § 87(2)(b) was placed in RMP 1336 for transport. En route to the 83<sup>rd</sup> Precinct, the RMP was struck by a grey Honda Accord sedan. Officers Chatterton and Nussenblatt were removed to § 87(2)(b) with injuries and Detective Morales and § 87(2)(b) were removed to § 87(2)(b) with injuries. Eight arrests were effected § 87(2)(a) 160.50 and the situation “was expeditiously brought under control” without further injuries to MOS and no further community unrest. The following MOS were present: Chief Mohammed, XO of Patrol Boro Brooklyn North, Deputy Inspector Brauer, CO of the 81<sup>st</sup> Precinct, Captain McGee, 73<sup>rd</sup> Precinct duty captain, Lieutenant LiPetri, 79<sup>th</sup> Precinct special operations lieutenant, Sergeant Abruzzo, 79<sup>th</sup> Precinct conditions supervisor, and Sergeant Wardrope, 79<sup>th</sup> Precinct patrol supervisor.

#### **Command Log/Summonses (Encl. 59a-c, 69a-g)**

The 79<sup>th</sup> Precinct Command log has several entries for arrests made at § 87(2)(b) and § 87(2)(b) and also § 87(2)(b) and § 87(2)(b) all of the arrestees were presented at the stationhouse at 2:50 PM except for § 87(2)(b) who arrived at 4:20 PM. All of the civilians’ physical/mental conditions are noted as “normal” with the exception of § 87(2)(b) whose physical/mental condition was “normal at time in [command].” § 87(2)(b) complained of pain to his shoulder and an abrasion on his arm; he refused medical attention.

PO Proscia was § 87(2)(b) § 87(2)(b)'s arresting officer. § 87(2)(b) was arrested at the corner of § 87(2)(b) and § 87(2)(b) § 87(2)(b) and was released at 3:50 PM with summons # § 87(2)(b). PO Boone was § 87(2)(b)'s arresting officer. § 87(2)(b) was arrested at the corner of § 87(2)(b) and § 87(2)(b) § 87(2)(a) 160.50 and was released at 3:40 PM with summons # § 87(2)(b). PO Busacco was § 87(2)(b) § 87(2)(b)'s arresting officer. § 87(2)(b) was arrested at the corner of § 87(2)(b) and § 87(2)(b) § 87(2)(a) 160.50 and was released at 5:10 PM with summons # § 87(2)(b). PO Kogan was § 87(2)(b) § 87(2)(b)'s arresting officer. § 87(2)(b) was arrested at the corner of § 87(2)(b) and § 87(2)(b) § 87(2)(a) 160.50 and was released at 3:45 PM with summons # § 87(2)(b). PO Busacco was § 87(2)(b)'s arresting officer. § 87(2)(b) was arrested at the corner of § 87(2)(b) and § 87(2)(b) § 87(2)(a) 160.50 and was released at 3:45 PM with summons # § 87(2)(b). PO Kogan was § 87(2)(b)'s arresting officer. § 87(2)(b) was arrested at the corner of § 87(2)(b) and § 87(2)(b) § 87(2)(a) 160.50 and was released at 3:30 PM with summons # § 87(2)(b). PO Busacco was § 87(2)(b)'s arresting officer. § 87(2)(b)

§ 87(2)(b) was arrested at the corner of § 87(2)(b) and § 87(2)(b) § 87(2)(a) 160.50 and was released at 5:10 PM with summons # § 87(2)(b).

#### **Dispositions of Summonses (Encl. 71a-k)**

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### **ESU Documents (Encl. 68)**

The ESU Report states following: "Crew requested to above location § 87(2)(b) and § 87(2)(b) for an RMP accident. Crew did assist in placement of KED and boarding of two (2) officers. Officer removed by EMS # § 87(2)(b) and # § 87(2)(b) to § 87(2)(b) [§ 87(2)(b)]. Crew further assisted in boarding female occupant of Honda removed by ambulance to § 87(2)(b). Crew further assisted in crowd control with assistance of TK-8 and A-7. Crew further utilized J-Hooks to remove vehicle from doorway." The report was signed by PO Anthony Cordero, tax 897232. The name of the precinct reporting officer was Sergeant Waldroff. The job began at 2:30 PM and ended at 4:15 PM.

#### **Accident Report (Encl. 68a-g)**

The accident report reveals that PO Steven Nusenblatt was involved in an accident at § 87(2)(b) and § 87(2)(b) with § 87(2)(b), § 87(2)(b) and § 87(2)(b).

#### **Stop and Frisk Log (Encl. 66)**

There were no relevant UF250 reports prepared regarding the incident.

#### **BADS**

According to a search of BADS of all arrests in the 79th Precinct on June 10, 2006, no arrests were made as a result of the incident (not counting § 87(2)(b)'s arrest).

#### **Line-of-Duty Paperwork**

No Line-of-Duty Paperwork was prepared regarding the incident.

#### **Civil Lawsuit Documents**

On § 87(2)(b), § 87(2)(b) filed a notice of claim against the City of New York, Commissioner Kelly, Chief Izzo, Inspector Banks, and other unidentified officers seeking compensatory and punitive damages as the Court deems fit resulting from false arrest, excessive force, and unlawful search and seizure, among other alleged wrongs (Encl. 22a-k). On § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) each filed notices of claim against the City of New York and the NYPD each seeking one million dollars resulting from assault and battery, intentional infliction of emotional distress, and unlawful and false arrest, etc (Encl. 24a-e, 29a-e, 31a-c).

#### **Criminal Conviction History**

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### **Police Officer CCRB History**

In his 13-year tenure, Lieutenant Michael LiPetri has 1 substantiated allegation on record stemming from case 200201651; the board substantiated a discourtesy (word) allegation and Lieutenant LiPetri received a command discipline – A (Encl. 2). In his 15-year tenure, Officer Willie Lomax has no substantiated CCRB allegations on record (Encl. 3). In his 5-year tenure, Officer Joseph Rodriguez has no substantiated CCRB allegations on record (Encl. 4). In his 13-year tenure, Detective William Bush has no substantiated CCRB allegations on record (Encl. 5).

#### **Civilian CCRB History**

§ 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) have not filed any prior CCRB complaints (Encl. 6-

14). § 87(2)(b)

## Conclusions and Recommendations

### Officer identification

§ 87(2)(g)

According to the Sprint, vehicle # 2309 was involved in crowd control. Sergeant Conca and Officer McMaster were assigned that vehicle during tour 2 and Officers Erazo and Mercus were assigned the vehicle during tour 3. Sector A from the 88<sup>th</sup> Precinct, Officers Miller and Proscia, responded, and sector I from the 83<sup>rd</sup> Precinct, Officers Rodriguez and Szumilo, responded. The following 79<sup>th</sup> Precinct MOS responded: the special operations lieutenant, Lieutenant LiPetri, the patrol supervisor and his operator, Sergeant Wardrobe and Officer Struggs, sector M, Officers Lomax and Wingate, sector A, Officers France and Brown, sector G, Officers Nussenblatt and Chatterson, footpost #5, Officer Busacco, and footpost #9, Officer Kogan. Detective William Bush was identified by name from § 87(2)(b) and furthermore Detective Bush acknowledged his involvement in the arrest of § 87(2)(b) (though he denied later involvement in the car stop on § 87(2)(b)).

§ 87(2)(b), § 87(2)(g)

Photo arrays were prepared based on the Sprints/roll call and based on § 87(2)(b)'s statement. § 87(2)(b), § 87(2)(g) and § 87(2)(b), § 87(2)(g) did not identify any subject officers in their photo arrays. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) identified Officer Willie Lomax, Officer Steven Nussenblatt and Officer Joseph Rodriguez as officers who were aggressively pushing the crowd out of the way. Officer Lomax was participating in crowd control but denied using physical force against any civilian. Officer Rodriguez stated that he and his partner, Officer Szumilo, were at the scene for approximately two minutes before they were ordered to leave. § 87(2)(g)

### Undisputed Facts

It has been established that Detective Bush arrested § 87(2)(b) at the corner of § 87(2)(b) and § 87(2)(b) at approximately 2:30 PM on June 10, 2006. Officers Nussenblatt and Chatterhorn were charged with driving § 87(2)(b) to the 84<sup>th</sup> Precinct stationhouse, but they were involved in a motor vehicle accident at the corner of § 87(2)(b) and § 87(2)(b). A large crowd of civilians formed and numerous officers responded. Officers attempted to disperse the crowd, both verbally and physically, and those who disobeyed orders to disperse were arrested.

### Facts in Dispute

§ 87(2)(g) Some officers admitted to using minimal force to restrain or control the crowd, but all officers denied kicking or punching civilians. § 87(2)(b) alleged that officers told people to "Get the fuck back," § 87(2)(b) alleged that officers were telling people to, "Back the fuck up," and § 87(2)(b) alleged that an officer told him to, "Get the fuck off the street," but all the officers denied using or hearing this language. § 87(2)(b), § 87(2)(b), and § 87(2)(b) all made allegations on the behalf of unknown individuals that officers were kicking/punching these unknown individuals; § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

alleged that Detective Bush struck him with a gun and spoke obscenely to him; Detective Bush denied ever stopping § 87(2)(b)'s car and claimed that he arrested § 87(2)(b) at the stationhouse.

### Assessment of the Evidence

§ 87(2)(g)

The first of these is the allegation, made by several civilians, that officers were using physical force against members of the crowd. § 87(2)(b) alleged that Officer Lomax was aggressively pushing people out of the way and telling the crowd to move about their business, and that Officer Rodriguez was pushing people and telling them to move on. § 87(2)(b) stated that when he got to the scene of the accident, he saw officers trying to push civilians back from the accident. § 87(2)(b) alleged that officers were aggressively pushing with their hands and arms at the crowd. Some officers, including Sergeant Wardrobe, Officer Struggs, Lieutenant LiPetri and Sergeant Conca, did acknowledge witnessing—not participating in—officers participating in “scuffles” or pushing people back from the perimeter. Officer Lomax stated that he was charged with maintaining a perimeter but he denied using physical force against anyone. Officer Rodriguez stated that he was on the scene for a brief period of time and that he never interacted with any civilian, physically or otherwise, at all. § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated that Detective Bush stopped his car in the parking lot across from § 87(2)(b). He stated that after he exited his car, Detective Bush struck him on his face above his right eye with the butt of his gun, causing a one-inch cut above his right eye for which he did not seek medical treatment. He stated that Detective Bush immediately handcuffed him and placed him into his car; when § 87(2)(b) asked Detective Bush why he was being arrested, Detective Bush allegedly told him to “shut the fuck up.” According to § 87(2)(b), Detective Bush struck § 87(2)(b) in the right side of his head with his gun as he was standing in front of the driver’s side door. § 87(2)(b) stated that when § 87(2)(b) got into his vehicle, Detective Bush pulled up in front of § 87(2)(b), got out of the car, walked to § 87(2)(b) and placed his handgun to his head and told him to get out. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) Detective Bush completely denied arresting § 87(2)(b) at § 87(2)(b) and stated that § 87(2)(b) was arrested at the 84<sup>th</sup> Precinct stationhouse when he came to check up on the arrest of § 87(2)(b). § 87(2)(b), § 87(2)(g)

### Allegations not pleaded

§ 87(2)(b) alleged that officers pushed § 87(2)(b) to the ground before arresting him; § 87(2)(b) stated that three white male police officers in plainclothes had grabbed a young male (possibly § 87(2)(b)) and were “roughing him up” by shoving him by his back as they were questioning him and placing handcuffs on him. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) § 87(2)(b) alleged that she was pushed from behind up against a car and that her right hand was twisted with such considerable force behind her back that her cell phone broke into two pieces at the hinge. § 87(2)(g)

§ 87(2)(g)  
§ 87(2)(b) alleged that officers threatened to arrest § 87(2)(b)'s daughter if she did not move back. § 87(2)(g) § 87(2)(b) did not make the allegation, § 87(2)(b) § 87(2)(b) was uncooperative with the investigation, and § 87(2)(b) refused to provide his true identity. § 87(2)(b) alleged that officers were hitting people with their nightsticks, but no other civilians alleged that this happened, and furthermore, § 87(2)(b) was unable to specifically describe any of these occurrences, § 87(2)(g). Also, § 87(2)(b) alleged that an officer came in front of the store where § 87(2)(b) works and pulled out a shot gun and that other officers had their guns drawn as well. § 87(2)(b), § 87(2)(g)

Likewise, Officer Busacco stated during her CCRB interview that during the incident she was running from group to group, pulling fighting civilians apart and ordering them to disperse. § 87(2)(b), § 87(2)(g)

**Allegation A) Discourtesy: Officers spoke obscenely to § 87(2)(b), § 87(2)(b), § 87(2)(b) § 87(2) and individuals.**

Three civilians alleged that officers used profanity with them or members of the crowd. § 87(2)(b) stated that officers screamed at people to "Get the fuck back," but § 87(2)(b) was unable to attribute the discourtesy to any particular officers. § 87(2)(b) alleged that officers were aggressively pushing with their hands and arms at the crowd of approximately 60 people, telling them, "Back the fuck up!" However, § 87(2)(b) did not recognize any officers in the photo array shown to him. § 87(2)(b) alleged that while he was watching § 87(2)(b)'s arrest, an officer whom he described as a 6'2"-tall white male in plainclothes told § 87(2)(b) to, "Get the fuck off the street!" § 87(2)(b), § 87(2)(g)

**Allegation B) Force: Officers used physical force against individuals.**

**Allegation C) Force: Officer Willie Lomax used physical force against individuals.**

**Allegation D) Force: Officer Joseph Rodriguez used physical force against individuals.**

Patrol Guide Procedure 203-11, governing the use of force, states that officers are permitted to use "only the amount of force necessary to overcome resistance" to effect an arrest or to gain compliance (Encl. 1). § 87(2)(b), § 87(2)(g)

A car accident had just occurred, people were injured, and ambulance personnel needed to reach those injured. § 87(2)(b), § 87(2)(g)

**Allegation E) Force: Officers used physical force against unknown individuals.**

**Allegation F) Force: Lieutenant Michael LiPetri used physical force against an unknown individual.**

§ 87(2)(b), § 87(2)(b) and § 87(2)(b) all alleged that officers used physical force against individuals unknown to this investigation. § 87(2)(b) stated that he observed officers kicking and punching an unidentified black male. § 87(2)(b) stated that he observed officers pressing an unknown male to the ground. § 87(2)(b) alleged that he observed officers, including Lieutenant LiPetri, kicking and punching his friend § 87(2)(b) § 87(2)(b) in his legs, shoulders, and head. § 87(2)(b), § 87(2)(g)

**Allegation G) Force: Officers used physical force against § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b).**  
§ 87(2)(b) stated that approximately ten officers forced him to the ground and were kicking his head, neck, shoulder, and legs, but § 87(2)(b) was unable to describe these officers and he was unable to identify any officers in a photo array. Also, § 87(2)(b) stated that he observed approximately six officers “jump on” a Muslim male, but § 87(2)(b) could not describe the officers and he did not know what preceded this action. § 87(2)(b) stated that he wanted to § 87(2)(b) for medical treatment, but the hospital responded to a subpoena requesting § 87(2)(b)'s medical records in a letter stating that they have no patient on file matching § 87(2)(b)'s information.

§ 87(2)(b) stated that officers forced him to the ground and kicked and punched him about the body. § 87(2)(b), § 87(2)(g)  
§ 87(2)(b) stated that he observed officers “beating up” a male whom the investigation identified as § 87(2)(b) because of the fact that § 87(2)(b) had been filming the event with his cell phone and because of the allegation that an officer stomped on § 87(2)(b)'s cell phone. § 87(2)(b), § 87(2)(g)  
§ 87(2)(b) stated that he observed a white male officer approach a man who was taking cell phone pictures, ask him what he was taking pictures of, and shove the man; § 87(2)(b) did not recognize any officers in the photo array. § 87(2)(b) stated that he saw officers “beating up” a male with dreadlocks § 87(2)(b) could not specifically state where they were hitting him) near a barbershop on § 87(2)(b). § 87(2)(b) was the only witness interviewed with dreadlocks.) § 87(2)(b)'s medical records indicate that he complained of being “thrown down” by the NYPD in a fight. There was tenderness and soreness to the left side of § 87(2)(b)'s neck, and abrasions on the upper right back, top of the right hand, left knee, and right elbow.

§ 87(2)(b) stated that four officers aggressively lifted him, “threw” him to the ground, and “stomped” on the back of his head. He believed that the four officers were black, though he could only recall the description of one officer: a black male with glasses, approximately 5’5”, and he did not recall which officer committed which act. § 87(2)(b), § 87(2)(g), and all the black male officers identified as potential subjects—Sergeant Wardrope, Officer Wingate, Officer Lomax, Officer Struggs, and Officer Boone—were interviewed and none of them acknowledged being involved in this type of struggle with any individuals.

§ 87(2)(b) stated that two white male officers in plainclothes § 87(2)(b) could not describe them further) pushed him back with both hands against his chest. He also alleged that a black male officer in plainclothes grabbed him by the neck and left shoulder and pressed him against a nearby fence for about ten seconds. § 87(2)(b) did not recognize any officers in a photo array.

§ 87(2)(b), § 87(2)(g)

**Allegation H) Abuse of Authority: An officer damaged § 87(2)(b)'s property.**

While he was on the ground, § 87(2)(b) allegedly observed a black boot step on his cell phone and grind it into the cement, causing it to break. § 87(2)(b), § 87(2)(g)

**Allegation I) Abuse of Authority: Officers threatened § 87(2)(b), § 87(2)(b) and § 87(2)(b) with the use of force.**

§ 87(2)(b) stated that while officers were using force against him, a heavy-set white male officer stated to him, “I will break your fucking arm!” § 87(2)(b) stated that two white male plainclothes officers § 87(2)(b) could not describe them further) were saying to him, “Get the fuck out of here! We’ll fuck you up!” § 87(2)(b), § 87(2)(g)

§ 87(2)(b) did not

recognize any officers in a photo array, and § 87(2)(b) could not describe these officers in detail. ■■■

§ 87(2)(g)

**Allegation J) Abuse of Authority:** Detective William Bush stopped the car in which § 87(2)(b) was an occupant.

**Allegation K) Force:** Detective William Bush struck § 87(2)(b) with a gun.

**Allegation L) Discourtesy:** Detective William Bush spoke obscenely to § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: